

CITY OF WOODBURN

CITY COUNCIL AGENDA

JANUARY 14, 2008 – 7:00 P.M.

KATHRYN FIGLEY, MAYOR
WALTER NICHOLS, COUNCILOR WARD I
RICHARD BJELLAND, COUNCILOR WARD II
PETER MCCALLUM, COUNCILOR WARD III
JAMES COX, COUNCILOR WARD IV
FRANK LONERGAN, COUNCILOR WARD V
ELIDA SIFUENTEZ, COUNCILOR WARD VI

CITY HALL COUNCIL CHAMBERS – 270 MONTGOMERY STREET

- 1. CALL TO ORDER AND FLAG SALUTE**
- 2. ROLL CALL**
- 3. ANNOUNCEMENTS AND APPOINTMENTS**

Announcements:

- A. The Woodburn Public Library will be closed on January 18 for in-house training.
- B. City Hall and the Woodburn Public Library will be closed Monday, January 21, in observance of the Martin Luther King holiday. The Aquatic Center will be open with regular hours.
- C. A City Council workshop regarding the housing code will be held on January 28 at 6:00 pm in the Council Chambers.

Appointments:

None.

- 4. PROCLAMATIONS/PRESENTATIONS**

Proclamations:

None.

Presentations:

- A. Community Centers Feasibility Study

- 5. COMMITTEE REPORTS**

- A. Chamber of Commerce
- B. Woodburn School District

“Habrá intérpretes disponibles para aquellas personas que no hablan Inglés, previo acuerdo. Comuníquese al (503) 980-2485.”

6. COMMUNICATIONS

None.

7. BUSINESS FROM THE PUBLIC – *This allows the public to introduce items for Council consideration not already scheduled on the agenda.*

8. CONSENT AGENDA – *Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion at the request of a Council member.*

- | | |
|---|-----------|
| A. Woodburn City Council minutes of December 10, 2007 | 1 |
| <u>Recommended Action:</u> Approve the minutes. | |
| B. Woodburn City Council Workshop minutes of December 10, 2007 | 9 |
| <u>Recommended Action:</u> Approve the minutes. | |
| C. Woodburn Planning Commission draft minutes of December 13, 2007 | 16 |
| <u>Recommended Action:</u> Accept the draft minutes. | |
| D. Building Activity for December 2007 | 22 |
| <u>Recommended Action:</u> Receive the report. | |
| E. Planning Tracking Sheet dated January 9, 2008 | 23 |
| <u>Recommended Action:</u> Receive the report. | |
| F. Claims for December 2007 | 26 |
| <u>Recommended Action:</u> Receive the report. | |
| G. Community Services Department Statistics for November 2007 | 31 |
| <u>Recommended Action:</u> Receive the report. | |
| H. Audit Reports | 32 |
| <u>Recommended Action:</u> Accept reports. | |
| I. Reappointment to LOC Legal Advisory Committee | 37 |
| <u>Recommended Action:</u> Receive the report. | |
| J. Speed Zone Change on Highway 211 East of Highway 99E | 39 |
| <u>Recommended Action:</u> Receive the report. | |

- K. **Highway 214/Settlemier Avenue/Boones Ferry Road Project Update** 40
Recommended Action: Receive the report.
9. **TABLED BUSINESS**
- None.
10. **PUBLIC HEARINGS**
- None.
11. **GENERAL BUSINESS** – *Members of the public wishing to comment on items of general business must complete and submit a speaker's card to the City Recorder prior to commencing this portion of the Council's agenda. Comment time may be limited by Mayoral prerogative.*
- A. **Council Bill No. 2695 – Ordinance delegating to the Municipal Judge the authority to appoint pro-tem municipal judges pursuant to the procedures provided in this Ordinance.** 41
Recommended Action: Adopt the ordinance.
- B. **Council Bill No. 2696 – Resolution establishing a public hearing date for levying the final assessment of costs for the improvement of Country Club Road between Boones Ferry Road and Astor way** 45
Recommended Action: Adopt the resolution.
- C. **Council Bill No. 2697 – Resolution establishing a public hearing date for levying the final assessment costs for the improvement to West Lincoln Street between Cascade Drive and Leasure Street** 48
Recommended Action: Adopt the resolution.
- D. **New Outlet – Limited On-Premises Sales** 51
Recommended Action: Recommend to OLCC approval of a Liquor License application for Mariscos El Saraneado.
- E. **New Outlet – Limited On-Premises Sales** 54
Recommended Action: Recommend to the OLCC approval of a Liquor License application for Dede's Deli.
- F. **Position Upgrade: Water Division Utility II to Utility III** 57
Recommended Action: Authorize the upgrade of a Water Division Utility II position to a Utility II position.

G.	Request for No Parking on Third Street North of Harrison Street	59
	<u>Recommended Action:</u> Authorize no parking on the east side of Third Street from Harrison to the north side of 950 Third Street.	
H.	Draft Animal Control Ordinance	61
	<u>Recommended Action:</u> It is recommended the City Council: (1) provide input; and (2) determine a preferred means for obtaining community involvement in the ordinance adoption process.	
12.	NEW BUSINESS	
13.	PLANNING COMMISSION OR ADMINISTRATIVE LAND USE ACTIONS – <i>These are Planning Commission or Administrative Land Use actions that may be called up by the City Council.</i>	
A.	Planning Commission's Approval of Design Review 2007-05, Located at 100 Arney Road (the Shell Gasoline Station and Market)	81
B.	Community Development Director's Approval of Zoning Adjustment 2008-01, Located at 1613 Umpqua Road	82
14.	CITY ADMINISTRATOR'S REPORT	
15.	MAYOR AND COUNCIL REPORTS	
16.	EXECUTIVE SESSION	
A.	To review and evaluate, pursuant to standards, criteria and policy directives adopted by the governing body, the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing pursuant to ORS 192.660 (2)(i).	
17.	ADJOURNMENT	

COUNCIL MEETING MINUTES DECEMBER 10, 2007

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0001 **DATE.** COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN,
COUNTY OF MARION, STATE OF OREGON, DECEMBER 10, 2007.

CONVENED. The meeting convened at 7:00 p.m. with Mayor Figley presiding.

0010 **ROLL CALL.**

Mayor	Figley	Present
Councilor	Bjelland	Present
Councilor	Cox	Present
Councilor	Lonergan	Present
Councilor	McCallum	Present
Councilor	Nichols	Present
Councilor	Sifuentez	Present

Staff Present: City Administrator Brown, City Attorney Shields, Police Chief Russell, Acting Public Works Director Rohman, Community Development Director Allen, Finance Director Gillespie, Building Official Krieg, City Recorder Tennant

0028 **ANNOUNCEMENTS.**

A) Holiday Closures:

During the Christmas Holiday, City offices and the Library will close at noon on Monday, December 24th and will reopen for regular business hours on Wednesday, December 26th. The Aquatic Center will be closed on December 24th and 25th.

During the New Year's Holiday, City offices and the Library will be closed on January 1, 2008. The Aquatic Center will be closed on December 31, 2007 and January 1, 2008.

B) Community Services Department is updating the City's Parks and Recreation Master Plan. A public meeting will be held on December 13, 2007, 7:00 p.m., in the Library multi-purpose room to review results of the Focus Group sessions being held on December 11 and 12, 2007 with key stakeholders. All interested community members are encouraged to attend the December 13th public meeting to provide comments on the plan update.

C) Carleton Hart Architecture will present its report on the feasibility of expanding the aquatic center, and for constructing a stand-alone cultural arts and community center at the January 14, 2008 City Council meeting. All interested community members are encouraged to attend the meeting or to watch for the report on Woodburn Community Access Television (WCAT).

0085 **APPOINTMENTS AND REAPPOINTMENTS.**

A) Library Board: Mayor Figley appointed J.D. Mitchoff (Position I) with a term expiration date of December 31, 2010, and reappointed Neal Hawes (Position IV) with a term expiration date of December 31, 2011.

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B) Planning Commission:

Mayor Figley reappointed Brad Hutchison (Position 2), David Vancil (Position 3), and Larry GrosJacques (Position 5) with terms expiring December 31, 2011.

C) Recreation and Parks Board:

Mayor Figley appointed Eric Morris (Position 1) with a term expiration date of December 31, 2010, and Charlene Williams (Position VII) with a term expiration date of December 31, 2008.

NICHOLS/MCCALLUM... approve the appointments to the Library Board, Planning Commission, and Recreation and Parks Board as listed in the Mayor's memo. The motion passed unanimously.

Mayor Figley stated that she still needs to appoint 2 members to the Budget Committee and requested interested members of the public to contact her at City Hall. The Councilors were also encouraged to submit names to her of individuals who might be interested in serving on the Committee.

0158 **CHAMBER OF COMMERCE REPORT.**

Don Judson, Interim Executive Director, stated that the Chamber is conducting an office decorating contest with businesses paying \$25 to participate and proceeds from this event will go to the Love Santa program. Upcoming events include:

- 1) Greeter's Program will be held at West Coast Bank East Branch community room on Friday, December 14th; and
- 2) Chamber Forum will be held on Wednesday, December 19th, with Miss Oregon Kari Virding as guest speaker on the Make a Wish Foundation.

He also stated that the maps will be arriving soon and they will be distributed to the public soon after they are received.

0202 **WOODBURN SCHOOL DISTRICT REPORT.**

Walt Blomberg, School Superintendent, provided the Council with a list of school activities and highlighted the following items from the list:

- 1) Academy of International Studies inducted 40 new students into the National Honor Society;
- 2) Two high school students will receive an all-expense paid 4-year scholarship to George Fox University;
- 3) The School District is holding a Literacy Summit on December 19th to establish strategies on establishing short to long term goals to increase literacy in all students grades 6-12;
- 4) School District continues to partner with Love Santa, Inc. for their annual food and toy drive; and
- 5) High School Drama class will be performing the Wizard of Oz on December 13 and 14, 2007, and the public is encouraged to attend.

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Councilor Nichols mentioned that the Woodburn Lions Club will be providing a vision screening program for students and questioned how students are selected to be screened. Mr. Blomberg stated that all elementary students starting in kindergarten will be screened in addition to any student being referred or identified by their teacher of having a potential vision problem.

0320 **CONSENT AGENDA.**

A) approve the Council Meeting minutes of November 26, 2007;
B) approve the Council Special Meeting / Workshop minutes of November 15, 2007;
C) approve the Recreation and Park Board draft minutes of November 13, 2007;
D) receive the Police Department Statistics report for November 2007;
E) receive the Code Enforcement Statistics for November 2007;
F) receive the Building Activity report for November 2007;
G) receive the Planning Project Tracking Sheet dated December 5, 2007; and
H) receive the report on the Woodburn Downtown Development Plan Update - Transportation and Growth Management Program Grant Update: Contract Termination. Councilor Bjelland stated that on the Council minutes of November 26th, Councilor Lonergan had arrived at the meeting at 8:00 p.m. rather than himself.
MCCALLUM/COX... adopt the Consent Agenda with the correction in the minutes as mentioned by Councilor Bjelland. The motion passed unanimously.

0377 **COUNCIL BILL NO. 2692 - ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2007-08.**

Councilor Sifuentez introduced Council Bill No. 2692. Recorder Tennant read the two readings of the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2692 duly passed with the emergency clause.

0410 **COUNCIL BILL NO. 2693 - RESOLUTION GRANTING THE APPLICATION IN DR 2006-17 (DESIGN REVIEW) AND VAR 2007-01 (VARIANCE), REMOVING SPECIFIC CONDITIONS PREVIOUSLY IMPOSED BY THE WOODBURN PLANNING COMMISSION, ADOPTING ALTERNATIVE FINDINGS AND CONCLUSIONS, AND IMPOSING ADDITIONAL CONDITIONS.**

Council Bill No. 2693 was introduced by Councilor Sifuentez. The bill was read by title only since there were no objections from the Council.

Councilor McCallum stated that he had originally voted in opposition following the hearing but since it had passed by a majority of the Council, he would be voting in favor of the Resolution. He stated that he still has concerns regarding this property along with the action taken for the future development of that property.

On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2693 duly passed.

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**0459 COUNCIL BILL NO. 2694 - RESOLUTION ESTABLISHING THE
COMPENSATION SCHEDULE FOR CERTAIN PART-TIME HOURLY AND
SEASONAL EMPLOYEES.**

Council Bill No. 2694 was introduced by Councilor Sifuentez. The bill was read by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2694 duly passed.

**0483 POSITION UPGRADE: MUNICIPAL COURT CLERK.
BJELLAND/MCCALLUM...**

authorize the upgrade of a Municipal Court Clerk from .5 FTE to .75 FTE. The motion passed unanimously.

**0503 WASTEWATER FACILITY PLAN CONSULTANT AGREEMENT AND
WASTEWATER FACILITY PLAN ADVISORY COMMITTEE.**

NICHOLS/COX... authorize the City Administrator to sign the agreement for professional services with CH2M Hill Inc. to prepare an updated facilities plan for the City's wastewater treatment facilities and the Mayor to appoint a Wastewater Facility Plan Advisory Committee.

Councilor Bjelland stated that he was disheartened in reviewing the hourly rates for the participants from CH2M Hill with the administrative support hourly rate being \$91 and most charges being \$130-\$150 per hour the with maximum at \$210 per hour.

Acting Public Works Director Rohman stated that the City had received 3 proposals and CH2M Hill's hourly rates were on the lower end of the proposals received from the engineering consultants.

On roll call vote, the motion passed unanimously.

0591 APPOINTMENT OF ADMINISTRATOR PRO TEM.

NICHOLS/MCCALLUM... appoint Police Chief Scott Russell as Administrator Pro Tem for the period of December 14, 2007 through January 1, 2008. The motion passed unanimously.

0607 CANCELLATION OF DECEMBER 24, 2007 MEETING.

MCCALLUM/SIFUENTEZ... cancel the December 24, 2007 City Council meeting. The motion passed unanimously.

0624 PLANNING COMMISSION OR ADMINISTRATIVE LAND USE ACTIONS.

A) Community Development Director's approval of Planning Case DR 2007-11 on the property located at 985 Lawson Avenue (property containing the existing Taco Bell restaurant): Approval was given for a 260 square foot drive-through espresso stand located on the same lot as Taco Bell restaurant subject to conditions of approval. Councilor McCallum questioned the location of the proposed stand within the parking lot and if there are any traffic circulation concerns.

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Community Development Director Allen stated that traffic circulation was addressed and changes required as part of the condition of approval. The stand will be located in the northwest corner of the parking lot with the Taco Bell building located in the southeast corner of the lot.

No action was taken to bring this land use action up for review.

0696 CITY ADMINISTRATOR'S REPORT.

A) Administrator Brown stated that he has made a Conditional Offer of Employment to a candidate for Assistant City Administrator which has been accepted. The next step is completing the criminal background check and pre-employment physical. If everything goes well, the employment start date will be January 2, 2008.

B) Interviews were conducted for Public Works Director on Friday, December 7th, and one more interview is scheduled for tomorrow. By the end of this week, he will be down to a short list of candidates to be considered for the position.

C) Administrator Brown provided the Councilor's with a spreadsheet on the laptop computer configurations. During the budget process, a proposal was presented to the Budget Committee for the purchase of 10 laptops since several Councilors had expressed an interest in going paperless. Staff is now ready to move forward with the purchase of the equipment and flash drives will be provided to the Council instead of the paper agenda.

Councilor Bjelland questioned if the laptops will contain ordinances and code books for Council to refer to as the need arises.

Administrator Brown stated that staff has been discussing what can be done initially and they will work on trying to get as many documents on the system as possible. He stated that training and support will be given to anyone who so desires to ensure a smooth transition.

Mayor Figley expressed her desire to move forward with the laptop computers rather than distributing paper copies of the agenda materials.

0867 MAYOR AND COUNCIL REPORTS.

A) Mayor Figley stated that she had included a draft letter in the Council packet that she had originally planned on sending to Senator Courtney and Representative Komp but inquired as to whether or not the Council would like to join her and express the letter as the position of the Mayor and Council. She stated that Councilor Bjelland mentioned to her that, despite the City's unsatisfactory experience with the Fregonese firm, this firm has been very supportive of bringing in consultants from out-of-state. If the Council would like her to send a letter expressing an official position, she proposed deletion of the paragraph referring to the planning consultants and substitute "we" for "I" within the letter.

Councilor McCallum requested background information on the Big Look project.

Councilor Bjelland stated that the legislature had authorized a group to examine the

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- planning programs and history of land use planning in Oregon to address some of the problems that have surfaced over the last number of years. The Big Look Committee had traveled around the state holding a number of public forums to obtain input from communities and funding was provided for a group of consultants, both in-state and out-of-state consultants, to assist the Big Look Committee in reviewing Oregon's land use planning efforts. The legislature cut the funding for this project since ballot measure 49 would be before the voters and the outcome of the vote would determine how the Big Look Committee should proceed. With the passage of the measure, there is strong support to re-authorize the Big Look Committee. In his opinion, the Committee should continue their work because of the problems that the state has been dealing with in various land use situations both from the administrative and legal standpoint. In his opinion, the consultants have done a very good job of looking at what is being done in other states and attempting to make recommendations as to how to move into the future.
- 1065 Councilor Cox stated that he is in total agreement with the letter with the deletion of the paragraph regarding the consultants. The issue of how to proceed into the future in terms of land use planning in Oregon is not a resolved issue as a result of the vote on Measure 49. Hopefully the Big Look Committee will develop some reasonable options then it will be up to the legislature to move forward in reviewing the recommendations of the Committee and hopefully making some changes.
- Mayor Figley stated that the Big Look Committee preliminary report is on the DLCD's website and, after reviewing the report, she felt a stronger urge to let State officials know that the Committee's work needs to continue. She stated that she would delete the paragraph as noted, change the word "I" to "we", and send the revised letter out on Mayor's letterhead on Wednesday.
- 1129 Mayor Figley also apologized to the public for cancelling the December 2nd Christmas Tree Lighting due to the stormy weather. She also wished the public the enjoyment of the Christmas season.
- 1161 Councilor Nichols questioned the need for a pedestrian caution light at the Park and Hardcastle Avenue intersection which sees a large influx of pedestrians only twice a year whereas the City is unable to get a pedestrian caution light on Highway 214 and Park Avenue.
- Acting Public Works Director Rohman stated that the installation of the pedestrian caution light on Park / Hardcastle Avenue was a City street project and was included on the last Capital Improvement Plan. The Council awarded the contract for the installation of this light and the Boones Ferry Road pedestrian caution light about 4 months ago. In regards to the Highway 214 / Park Avenue intersection, the State of Oregon has jurisdiction over what is installed along Highway 214 and, to date, the State has determined that the signal is not warranted at that intersection. Another look will be taken at that intersection when an environmental assessment is conducted within the next

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few months on the widening of the roadway between Park Avenue and Broughton Way which is not covered as part of the I-5 interchange project.

Councilor McCallum was pleased to see the Boones Ferry Road light installed since this provides a safer intersection crossing for children walking to school.

Police Chief Russell stated that children on the north side of Hardcastle Avenue now need to cross Hardcastle at Park Avenue in order to get to Washington School located on Lincoln Street since the back entrance previously used by the students near the Queen City Blvd intersection was closed by the School District. Middle-school students on the south side of Hardcastle Ave have to walk to Legion Park in order to get bus transportation to French Prairie or Valor. In the morning hours on school days, there is a lot of foot traffic crossing Hardcastle Avenue which was the primary reason for installing the pedestrian caution light.

- 1325 Councilor McCallum questioned when traffic signals throughout the City will be standardized.

Acting Public Works Director Rohman stated that ODOT did conduct a traffic signal study and, as a result of the study, the yellow flashing arrow left turn signal became an approved type of device and it will be installed as traffic turn lights are replaced, therefore, it will take several years for lights to be standardized.

- 1415 Councilor Bjelland stated that at the last MWACT meeting, members were told that the money available for the State Transportation Improvement Program (STIP) cycle will be cut further and MWACT will be lucky in 2012-13 to receive about \$1.5 - \$2M a year for transportation projects. They also heard that Governor Kulongoski is putting transportation as one of the major emphases at the next legislative session and the Oregon Transportation Investment Act (OTIA) bill will hopefully provide some significant amounts of money to address some of the transportation needs facing the State of Oregon. MWACT, along with the other Area Commissions on Transportation, have been given a couple of tasks to look at how they would spend an infusion of money that could be fairly substantial if the legislature were to approve a significant OTIA in 2009. He stated that it is very important that the legislators be educated, informed, and lobbied to make sure that an OTIA IV is approved because of the lack of transportation dollars that currently go through the STIP process. The 3 major Woodburn / North Marion County projects that involve state transportation funding are the I-5 interchange, widening of Highway 214, and Highway 99E improvements.

He also stated that he would be addressing the Oregon Transportation Commission (OTC) on December 12th to give the annual update on MWACT's activities and charter changes of which the most significant is that MWACT is making a language change that would allow them to be more aggressive in informing people about the transportation needs of the State of Oregon and about the fact that there is not an adequate funding mechanism to address transportation needs since the amount of money to fund the STIP process is only about 1/10th of what it was a number of years ago. He will also be lobbying the OTC to be proactive in encouraging the legislature to examine different

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funding mechanisms since the existing funding mechanism of the gas tax has not kept up with inflation in addition to less dollars being collected due to more efficient gas vehicles on the roadways. Lastly, construction infrastructure costs have increased by approximately 20% whereas previous year cost increases were only about 3%. He reiterated that his intent is to promote more awareness at the legislative level and to any interested party to make sure they understand the dire needs the Oregon transportation system is already in and will continue to be in unless significant changes are made in the way transportation projects are financed in the future.

- 1592 Councilor Cox stated that it is very frustrating in that there is something wrong with the system when the City cannot put in a signal at the Highway 214 / Park Avenue intersection even if the City elected to fund the total project. He encouraged the Council and staff to figure out what needs to be done at the State level to get the pedestrian caution light installed at that intersection. In his opinion, this is a project that needs to move forward before a pedestrian accident occurs.
Each of the Councilors extended their Season Greetings to members of the Woodburn community.

1680 **ADJOURNMENT.**

MCCALLUM/LONERGAN... regular meeting be adjourned and Council reconvene into the workshop on the Housing Code. The motion passed unanimously.
The regular Council meeting adjourned at 7:57 p.m..

APPROVED _____
KATHRYN FIGLEY, MAYOR

ATTEST _____
Mary Tennant, Recorder
City of Woodburn, Oregon

**COUNCIL WORKSHOP MINUTES
DECEMBER 10, 2007**

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**0001 DATE. COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN,
COUNTY OF MARION, STATE OF OREGON, DECEMBER 10, 2007.**

CONVENED. The workshop convened at 6:05 p.m. with Mayor Figley presiding.

0010 ROLL CALL.

Mayor	Figley	Present
Councilor	Bjelland	Present
Councilor	Cox	Present (6:07 pm)
Councilor	Lonergan	Present
Councilor	McCallum	Present
Councilor	Nichols	Present
Councilor	Sifuentes	Present

Staff Present: City Administrator Brown, City Attorney Shields, Police Chief Russell, Acting Public Works Manager Rohman, Community Development Director Allen, Building Official Krieg, City Recorder Tennant

0010 RENTAL HOUSING DRAFT ORDINANCE.

Mayor Figley stated that this workshop was called to discuss a draft housing ordinance which Councilor Cox has been interested in adopting over the years. Other cities have been adopting this type of ordinance thereby making more information available to staff for the purpose of drafting a housing code which more closely meets the needs of our community.

Administrator Brown provided a detailed staff report in the agenda packet providing background information on the draft document along with a list of issues that staff feels Council direction is needed before staff proceeds on any additional work on this draft document. In the goal setting session of 2003, the housing issue was brought up as an item of concern but it was not added to the adopted list of goals. In 2007, it was added to the list of Council goals and staff has provided this draft ordinance for discussion which provides provisions for property maintenance regulations beyond the City's Dangerous Building Ordinance and to protect tenants from sub-standard housing conditions due to lack of maintenance and/or structural deficiencies. Staff has reviewed a number of source documents such as the City's nuisance and dangerous building ordinances and the Oregon Tenant Landlord Act to develop a draft ordinance that would meet the City's needs. The Housing Code document would fill-in the gaps where it is perceived that gaps exist rather than trying to overlap or supercede the existing laws. As a rental housing ordinance, a policy consideration would be whether or not the protections should be extended to people living in property beyond renters. Another issue relates to whether or not the beneficiaries of the program should or should not pay for the financial cost to administer this program. In this document, staff is recommending that minimum standards be

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established to ensure basic livability standards. In regards to enforcement, it is proposed that Code Enforcement staff would be supported by the building division staff and abatement procedures are the same as what is currently in place in other City nuisance ordinances. Staff is proposing that this ordinance would be administered on a complaint driven basis rather than pro-actively seeking substandard structures since those who need assistance will contact the City to receive help. In regards to budgeting, future budgets for administering this program would be based on the previous year's activity. He stated that he would like to obtain a consensus from the Council at the end of this workshop as to whether or not staff should proceed with the draft ordinance and, if so, provide any additional policy direction for staff to include in a final document. Additionally, he requested that prior to any adoption, staff be allowed time to talk to property management / maintenance people to obtain any feedback from them on the draft document.

0261 Mayor Figley questioned staff as to what this ordinance would enforce that cannot already be done with existing laws and if this type of ordinance would give a law enforcement or code enforcement officer any additional access to a home.

Police Chief Russell stated that the dangerous building ordinance focuses on the danger of the structure potentially collapsing whereas the housing ordinance would focus on the health and safety of the people living in the house. He did not feel that the ordinance would give his department any additional authority over what they currently have since, if it involves criminal issues, the department is strictly confined by the constitution as to what they can and cannot do.

Councilor McCallum stated that one of his concerns is that the City has ordinances in place to regulate certain issues but the public, including the renters, seem to be unaware of those regulations that can be of assistance to them. If enforcement of this ordinance is to be complaint driven, public education is necessary on an on-going basis to remind the public of what those laws are and how to report violations. He felt that adoption of a housing code may be the path taken to bring applicable ordinances relating to housing issues together so the public understands what can be done to correct these violations.

0422 Councilor Cox expressed his opinion that this type of ordinance is needed within the City and housing situations reported in Gresham and Salem are no different in Woodburn. Current ordinances do not provide coverage for general livability of residents such as broken windows, leaking ceilings, plumbing, water and generally poor maintenance conditions which this draft ordinance would cover. He reiterated that current ordinances focus on the following 3 areas: (1) fire hazards, (2) immediate danger of collapse, and (3) serious threat to health which covers a fairly limited number of situations. The City's building codes only apply to current construction and remodeling with some conditions that now exist under current codes that would be considered as violations are grandfathered in so that the City has no authority to require an update to the current code. The Oregon Landlord Tenant Act is not a remedy since the issue is only between landlord and tenant. He stated that he had sent an e-mail to staff late November 2007 on this issue but had not received a response from staff, therefore, he read an excerpt from his e-mail

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to the Council to share his concerns on the applicability of the landlord tenant act and the need to adopt a housing code that will cover livability issues that are not covered under existing city ordinances. He did not feel that the housing code would be used regularly as long as it is complaint driven but public education is a major component in getting the information out to the public to let them know of their rights under this ordinance.

- 0584 Councilor Lonergan expressed his opinion that the City needs a housing code but questioned how the City can protect tenants if they are the ones complaining about the living conditions.

Councilor Cox stated that there is a provision in the Oregon Landlord Tenant Act that relates to retaliation and he has suggested that a condition similar to the one in the Act would be appropriate in the City's housing code.

Brief discussion was held regarding the complaint driven concept and it was noted that complaints could be received from individuals such as tenants, neighbors, social service workers or city staff members.

- 0700 Councilor Bjelland expressed his support for a housing code and adoption of a housing code would be a good first step to test the ordinance by allowing the City to address some problems that have existed with rental properties. He also felt that adoption of a housing code is a justifiable approach to protect residents living in rental properties.

Councilor Sifuentez felt that it will be necessary to involve the City's Community Relations Officer since many of the people actually affected by the housing conditions addressed in the draft ordinance are Hispanics and they would not know how to even start the complaint process.

Councilor Bjelland stated that the educational aspect in both English and Spanish is a very important part of this process to make sure that renters understand what they can do to report unhealthy living conditions.

Councilor Nichols also stated that he was in favor of a housing ordinance but questioned how far and how long the ordinance will be kept in place since there are numerous ordinances regulating other types of issues that have been in place for many years but because of their being complaint driven, no action is taken by the City unless a complaint has been filed.

- 0812 Councilor Cox stated that time will tell how this ordinance will work but it could conceivably be one of those empty ordinances on the books but he hoped that would not be the case. He feels that this ordinance has a real purpose to serve within our community. He also did not feel that the complaint driven provision needs to be that narrowly interpreted nor does he feel that the City should hire an individual to go out and perform regular inspections at this time since the public is most likely not ready for this type of enforcement nor does the City have the money to pay for this service.

- 0861 Administrator Brown stated that staff does look into, and follow-up, on every complaint received and caseload statistics are provided to the Council on code enforcement activity each month. Staff would be taking complaints from everyone as currently being done and the housing code ordinance is written as to allow for complaints to be filed by

COUNCIL WORKSHOP MINUTES DECEMBER 10, 2007

TAPE READING

anyone.

Councilor Cox stated that he did not feel that the time is right to start charging a fee to all landlords to cover enforcement activities. He referenced the dangerous building ordinance as an example in not charging a fee until such time as a violation exists and an abatement process is involved. He felt that the public is not ready for a fee to cover enforcement expenses and that it would be very difficult to find out who should be paying the fees since the City has limited data base on owners of rental property. Additionally, he felt that those good landlords taking care of their property would be paying the individuals paying the fee whereas those who are not complying with ordinance requirements would ignore the fee. The Council could re-consider a fee program once the ordinance has been adopted and the City has some experience behind the costs involved to enforce the ordinance provisions.

Administrator Brown stated that the concerns raised by Councilor Cox have been discussed by staff and there will be on-going program costs with a larger expense involved in those cases where the City or landlord takes legal action. He had included the fees as a mechanism for recovering those costs and felt that including it at this time would be better than amending it at a future date for the purpose of assessing fees. A provision allowing for costs relating to abatement of property to be placed as a lien on the property would be a fair protection to the City to recover those costs that are not routine in nature.

1146 Councilor Cox stated that he had no objection to including a provision that would reserve the right of the Council as part of the annual review to adopt fees by resolution. It was the consensus of the Council to include language in the ordinance as suggested by Councilor Cox.

Councilor Bjelland questioned within the draft ordinance who would be able to initiate a complaint.

Administrator Brown stated that anyone could initiate a complaint and there is no process defined in the draft as to what a complaint is since the City will send a Code Enforcement Officer out to any location that someone has called in to say they have a maintenance issue that the landlord has not taken care of.

Councilor Lonergan questioned as to why rental manufactured homes are not included in this ordinance since many are not located in a manufactured home park. He also questioned if a duplex is covered under the ordinance.

Building Official Krieg stated that duplexes are covered under the draft ordinance. In regards to manufactured dwelling parks, there is a state law that governs these parks and they are inspected by the State with certain standards in which they need to be constructed and maintained. The State Building Codes Division conducts the inspections and state law would supercede the City's ordinance provisions. He also stated that he was unsure if the state law covered livability standards of these dwellings.

Councilor Cox stated that the City's ordinance should include manufactured homes if the state law does not cover livability standards.

COUNCIL WORKSHOP MINUTES DECEMBER 10, 2007

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Councilor Lonergan stated that the plumbing section within the draft ordinance does not cover a provision on the number of bathrooms.

Building Official Krieg stated that there is no state law that mandates the number of restroom facilities in a dwelling but it does require a functioning restroom facility within the dwelling.

Councilor Lonergan stated that the draft ordinance prohibits any type of space heater and, in cases of older homes, the property owner would incur a large expense in order to conform to the requirements within this document. He questioned the window requirement in homes that have basements which were built prior to the current standard being adopted. He stated that his biggest concern is overcrowding since the square footage allowance in the ordinance is too low and cited, for example, that a 1500 sq. foot home could have 11 people residing in the home. He felt that the 150 sq. feet minimum standard should be increased to 300 sq. feet plus one additional person thereby reducing the number of residents in a 1500 sq. foot home to 6 residents.

Community Development Director Allen stated that the City currently does not have an ordinance that would address the number residents in a dwelling based on square footage. He stated that the overcrowding clause in the draft ordinance pertains to habitable rooms which would require subtraction of square footage for restrooms, closets, hallways, and staircases to arrive at habitable space which is defined in the ordinance. Staff had looked at sample ordinances that included a square footage value and a value of approximately 150 sq. feet was more commonly used. He stated that there are certain dwellings within our community that would need this type of square footage number in order to be where they are today whether it be owner-occupied or rental units.

Councilor McCallum questioned if the City currently has an ordinance that addresses the number of people in a house that involves immediate family and extended family.

Administrator Brown stated that there was a time in which the City was looking at 5 unrelated adults in a household but he was unsure as to why that was not adopted. Since there are no legal standards to go by, staff has found that cities have handled this issue in different ways and, in the City of Portland, they use 1 person for 100 sq. feet as their maximum number of residents in a dwelling.

Councilor Cox reminded the Council that in adopting a housing ordinance, a bottom level number needs to be established relating to the number of residents in a dwelling based on habitable square footage.

Discussion was held regarding an occupancy limit under this ordinance and it was suggested that staff look at other ways to address this issue.

1648 Mayor Figley recessed the workshop at 6:59 p.m. in order to call the regular meeting to order.

At 8:05 p.m., Mayor Figley reconvened the workshop. She reminded the Council that there were discussing the desirability and possibility of enforcing some number of maximum residents within a dwelling based on habitable square footage.

COUNCIL WORKSHOP MINUTES DECEMBER 10, 2007

TAPE READING

Administrator Brown stated that during the break, staff briefly discussed this issue and would like to recommend that the number be pulled out of the ordinance and then do research into City standards to see if the City would have the ability to regulate the number of residents within a household. If a regulation can be adopted, the Council can deal with it on a stand-alone basis rather than including it in this ordinance.

Councilor Lonergan reiterated his concern regarding the overcrowding issue and felt that some maximum limit should be placed on how many people reside in a dwelling.

Councilor Cox stated that he would support a reasonable standard if it is allowed, however, he felt that it would create a problem by leaving it in the housing code since it takes away from the general focus of this ordinance.

Councilor Bjelland concurred with the comments made on the overcrowding issue since that is one of the major complaints he has heard from constituents. However, the proper methodology to arrive at an overcrowding level will be the difficult part since there have been a number of approaches used to by different agencies to establish standards.

- 1851 In regards to other provisions within the draft ordinance, Councilor Cox requested that the manufactured housing language be left in the ordinance if the City has any authority to regulate this type of housing. He stated that throughout the draft document the word "approved" appears but the word needs to be clarified and listed in the definition section of the ordinance. He expressed concern about the minimum window requirement and, as mentioned by Councilor Lonergan earlier, questioned if the requirement was too strict. He also mentioned that the last sentence of subsection H(1) relating to basement windows did not make any sense to him and requested clarification of its meaning. Mayor Figley stated that this sentence would address the need for adequate light for a basement apartment or basement bedrooms versus a rental house that happens to include a basement.
- 1950 Councilor Cox questioned the meaning of the word "listed" in Section 6(K) and, within the appeal process, the language needs to be amended in that the notice of the appeal shall be filed with the court and the court would notify the applicable parties as part of the court process. In Section 12(b), he suggested that the sentence should be modified in that the notice of the hearing should state when and where the hearing will be held. Lastly, he stated that, based on earlier discussion, Section 17 relating to fees will either be eliminated or left at a zero amount for the time being.
- 2050 Councilor Lonergan questioned Section 15(A) in that he did not understand the meaning of "open to the public" for the purpose of investigation since this ordinance would pertain to private residences. Councilor Cox stated that this would apply to the exterior of the building that can be seen without entering the residence such as windows, siding, roofing, and foundation. City Attorney Shields stated that he would look at this section when reviewing the other sections of the ordinance. Councilor Cox also mentioned that the temperature standard for the hot water heater

**COUNCIL WORKSHOP MINUTES
DECEMBER 10, 2007**

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READING

might need to be reduced to 110°. He stated that the State's Landlord Tenant Act lists livability standards that have to be met and suggested that copying their standards into the City's ordinance will cover the majority of the issues that the City is trying take care of within the housing ordinance.

Councilor Nichols also mentioned that consideration should be given to requiring a carbon monoxide detector in addition to a smoke detector in rental homes.

- 2160 Councilor Bjelland stated that issues needing more research involve (1) whether or not manufactured dwellings located in a manufactured dwelling park is adequately covered by the Building Code Division, (2) overcrowding and approaches that can be taken to address this issue include what is outlined in the draft ordinance, the number of persons per room, and the number of persons per bedroom, and (3) windows.

Councilor Cox agreed that these issues need more research but suggested that staff conduct the research over the next few weeks and, if it turns out that issues like overcrowding involves a larger policy issue, then adopt the housing ordinance without that issue at this time with an amendment or stand alone ordinance to be considered at a later date.

Discussion was held regarding the next meeting date in which the document will be brought back to the Council for consideration.

Administrator Brown stated that the second meeting in January 2008 would be sufficient time for staff to bring the draft back for further review which will include suggested language changes that meet the needs identified by the Council. He reminded the Council that he would like the opportunity to share the draft ordinance with landlords to obtain their input before the ordinance is finally adopted. He suggested that the second meeting in January would be another workshop reviewing the revised draft document and, if approved, then allow staff a few weeks to receive feedback from landlords, with a final decision to be made in February.

It was the consensus of the Council to proceed with the process as outlined by Administrator Brown.

- 2340 **NICHOLS/LONERGAN...** defer this discussion to the second regular meeting in January 2008. The motion passed unanimously.

- 2350 **ADJOURNMENT.**

MCCALLUM/NICHOLS... workshop be adjourned. The motion passed unanimously. The workshop concluded at 8:27 p.m..

APPROVED _____
KATHRYN FIGLEY, MAYOR

ATTEST _____
Mary Tennant, Recorder
City of Woodburn, Oregon

WOODBURN PLANNING COMMISSION MEETING MINUTES
December 13, 2007

CONVENED the Planning Commission met in a regular session at 7:00 p.m. in City Hall Council Chambers with Chairperson Lima presiding.

Commissioner Jennings led the salute to the flag.

Chairperson Lima questioned members of the Planning Commission having potential conflicts such as family, financial, or business relationship with any of the applicants or with regard to the project in question. If such a potential conflict exists, he asked whether the commissioner in question believes he or she is without actual bias or whether he or she would like to step down from the Planning Commission during the case. There were none. There were no objections from those present.

Chairperson Lima announced: agenda is available at the back of the room. We will consider cases one at a time according to the order listed in the agenda. We will follow the hearing procedure outlined on the public hearing procedure board. All persons wishing to speak are requested to come to the podium and give their name and address. Any individuals speaking from other than the podium will not be recognized.

ROLL CALL

Chairperson	Lima	P
Vice Chairperson	Bandelow	P
Commissioner	GrosJacques	A
Commissioner	Vancil	P
Commissioner	Grigorieff	P
Commissioner	Hutchison	P
Commissioner	Jennings	P

Staff Present: Jim Allen – Community Development Director
 Don Dolenc – Associate Planner
 Jon Stuart – Assistant City Attorney
 Marta Carrillo – Administrative Assistant

MINUTES

- A. Woodburn Planning Commission Meeting Minutes of November 8, 2007.**
Commissioner Vancil moved to accept the minutes. Commissioner Grigorieff seconded the motion, which unanimously carried.

BUSINESS FROM THE AUDIENCE

None.

COMMUNICATIONS

- A. Woodburn City Council Meeting Minutes of October 22, 2007

No comments.

PUBLIC HEARING

A. Design Review 2007- 05, Butch Price/Bend Oil, 100 Arney Rd.

The applicant requests a Design Review to remove an existing gas station canopy and replace with a smaller canopy.

Chairperson Lima asked if anyone had a conflict, exparte contact, or challenge.

Vice-Chairperson Bandelow stated that she knew Dale Baker, property owner.

Commissioner Jennings stated that he also knew Dale Baker, property owner.

Commissioner Vancil asked about the newly submitted staff report and changes to it.

Associate Planner Dolenc stated that the staff report did contain substantive changes.

Commissioner Vancil made a motion for a continuance of the hearing, seconded by Vice-Chairperson Bandelow.

Community Development Director Allen informed the Planning Commission on an option for a continuance date to be Thursday, December 20, 2007. The changes are based on the sign portion of the staff report. Testimony can be admitted in tonight's meeting and final deliberations can be made at the future date.

Commissioner Jennings asked if by continuing the hearing, would the hearing need to be re-noticed.

Community Development Director Allen stated that it would not require to be noticed, if a certain date is set.

Chairperson Lima called for vote for a continuance of the hearing for a future date. The hearing was continued for this hearing.

ROLL CALL

Chairperson	Lima	no
Vice Chairperson	Bandelow	yes
Commissioner	GrosJacques	A
Commissioner	Vancil	yes
Commissioner	Grigorieff	no
Commissioner	Hutchison	no
Commissioner	Jennings	no

Associate Planner Dolenc read the applicable ORS.

Associate Planner Dolenc commenced his presentation.

The subject property is located at the corner of Arney Rd and Hwy 219. The aerial view of the property shows the restaurant on the north end, the gas station at the corner, and the LaQuinta Inn to the east. The property is zoned Commercial General as well as the surrounding properties. The application is to remove the pentagonal shape canopy attached to the building

and replace it with a free-standing canopy not attached to the building. The site plan transmitted by email, addresses the concerns including revisions based on the original staff report. The existing canopy (outlined in green) is constructed of wood and proposed canopy (outlined in red) will be a metal structure slightly higher and with a vertical face smaller than the existing canopy.

The original Conditional Use application for a gas station is not necessary under Section 1.104. There was an original Variance application to address parking for the 5 feet within the property line. The area has been reconfigured and the variance is no longer necessary. There was another Variance application addressing the 50-foot throat distance off Arney Rd. The revised site plan has relocated the loading spaces and the parking spaces therefore, the throat length variance is unnecessary based on the amended staff report. The applicant shows a trash enclosure on the revised site plan, which was not on the original site plan and included in the amended staff report. The revised site plan does also include bicycle racks.

Commissioner Hutchison asked Associate Planner Dolenc to elaborate on the parking spaces that are provided in the revised site plan.

Associate Planner Dolenc stated that parking spaces were located within 5-feet of the property line and the Woodburn Development Ordinance prohibits parking within the setback of the property. By relocating the spaces 5 feet or more from the setback the variance is not necessary.

Associate Planner Dolenc addressed landscaping requirements. The WDO defines yards as any area that is not covered by a structure. The yards abutting streets are to be stocked at one (1) plant unit per 20 square feet and the others at one (1) per 50 square feet. The landscaping plan was not submitted as a part of the application, but the number of plant units required are sufficiently well defined that landscaping can be a condition of approval, when the applicant supplies that.

Another item to be addressed is signs. The signs proposed for the property were reviewed as a single property and the applicant stated that the signs are as a part of a complex. Complexes have different sign allowances. The WDO defines a complex as multiple buildings or multiple lots designed to function as a single unit. There are four lots connected by an interior common access way and share unimpeded access and the four parcels are designed to function as a single unit therefore, makes this a complex.

There are several pole signs on the complex. The 27-foot pole sign located on the subject property will be replaced with another pole 18-foot pole sign making the sign 9-feet shorter than the existing. There is a display sign located on a light pole not in use and considered a pole sign. There are also two large signs located within the complex. The WDO allows a complex only one (1) pole sign. When a property goes through a design review, all non-conforming signs attached to the tenant space must come to conformity.

The amended staff report addresses the issue. The tenant space on the complex would comprise the building and the parcel of the subject land use application and would not involve the other parcels on the complex. Staff recommends that the two pole signs on the subject parcel must be removed to achieve compliance. A monument sign can be established on the Hwy 219 frontage once the two pole signs are removed. The monument sign must be 5 feet from the property lines and the site plan shows the proposed pole sign to be oriented north. If the monument sign is oriented towards the same direction, it would be located facing Hwy 219 and not Arney Rd.

Associate Planner Dolenc concluded his presentation and was available for questions. Staff recommends adoption of Design Review 2007-05 with terminology changes to "attached" to the building or attached to the property.

Chairperson Lima invited the Planning Commission members for questions to the Planning Division staff.

Commissioner Hutchison asked about the terminology "attached" to reference the cable from the tenant space to the pole sign.

Assistant City Attorney Stuart stated that the condition is for interpretation by the Planning Commission and make a decision.

Community Development Director Allen stated the chapter of the WDO for signs is up for review.

Commissioner Hutchison inquired about a temporary sign permit submitted for the current banner sign.

Associate Planner Dolenc stated that our records showed that none were submitted.

Chairperson Lima invited the applicant for testimony.

Larry Kimmel, Bend Oil Company, 901 NW E, Grants Pass, OR 97526, applicant representing the owners: Dale Baker and Timothy Brown. Kimmel stated that after working with several staff members in the Planning Division, he then submitted applications for the project. He has been working with Associate Planner Dolenc on the project. After review of the project there are requirements, which increases the budget to beautiful the subject property and bring the signs to conformity.

Brian Anderson, Double R Products, 901 NW E, Grants Pass, OR 97526, applicant and contractor. He stated that some of the conditions of approval are related to landscaping and increased the budget estimates. He stated that the landscaping, such as street trees, irrigation, plant units abutting a road and plant units not abutting a road, is a bit excessive and requested some leniency.

Anderson stated that the \$35,000 over budget is for landscaping, trash enclosure and buffer between the gas station and hotel to comply with the WDO.

Chairperson Lima asked the applicant if he was aware of the WDO requirements for landscaping and the square footage for outdoor storage items being sold.

Anderson stated that he had not read thoroughly through the WDO regarding landscaping. The products being stored outside are for the gas pumps.

Commissioner Vancil inquired about the monument sign size.

Anderson stated that catalogs reviewed do not offer monument signs at 32 square feet.

Vice-Chairperson Bandelow stated that the minimum allowed monument sign is 50 square feet.

Associate Planner Dolenc stated that the condition of approval #34 also addresses the maximum 50 square foot monument sign.

Planning Commission Meeting December 13, 2007

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Chairperson Lima asked the applicant about the current structure not being safe, second most visited site in the state of Oregon and beautifying the property site.

Anderson stated that adding landscaping would make a better impression but the requirement does seem excessive.

Kimmel stated that the grade is the first impression. The current landscaping is not being kept. The budget allows for some landscaping, lighting, clean-up, etc.

Commissioner Hutchison asked when the temporary banner sign on the pole sign would be replaced and was there a temporary sign permit allowed.

Kimmel stated that a face sign is ready to replace the current one. He stated that he was not advised as to the requirement of a temporary sign permit application.

Butch Price, 901 NW E, Grants Pass, OR 97526, applicant, reiterated Kimmel's previous comments.

Associate Planner Dolenc stated that landscaping is a requirement of the WDO.

Chairperson Lima invited proponents of the application. There were none.

Chairperson Lima invited opponents of the application. There were none.

Commissioner Hutchison asked the applicant how the readerboard sign is connected to the control unit.

Price stated that he was unaware of how the connection is made.

Chairperson Lima closed the hearing to discuss amongst the Planning Commission members.

The Planning Commission members made commentary on the landscaping requirements, the monument sign, readerboard sign and the terminology of "attached" and "tenant space" in the conditions of approval.

Assistant City Attorney Stuart advised the Planning Commission members that the interpretation of an ambiguous term is left to the members and the formal interpretation is also binding limited to this case or future cases.

Commissioner Jennings made a motion to approve Design Review 2007-05 subject to the Conditions of Approval and interpretation, seconded by Commissioner Grigorieff, motion passed.

ROLL CALL

Chairperson	Lima	yes
Vice Chairperson	Bandelow	yes
Commissioner	GrosJacques	A
Commissioner	Vancil	yes
Commissioner	Grigorieff	yes
Commissioner	Hutchison	yes
Commissioner	Jennings	yes

Planning Commission Meeting December 13, 2007

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ITEMS FOR ACTION

A. Final Order – Design Review 2007-05

Commissioner Jennings made a motion to accept the Final Order for Design Review 2007-05, seconded by Vice-Chairperson Bandelow, motion passed.

B. Cancel December 27, 2007 Planning Commission meeting.

Commissioner Vancil made a motion to cancel the December 27, 2007 Planning Commission meeting, seconded by Vice-Chairperson Bandelow, motion passed.

DISCUSSION ITEMS

Community Development Director Allen announced the review of Appeal for Design Review 2007-12, Variance 2007- 07 and Exception 2007-08. He stated that City Council did modify the requirements before adopting.

REPORTS

A. Planning Project Tracking Sheet December 7, 2007.

Vice-Chairperson Bandelow asked for explanation of a complex and the signage allowed.

Community Development Director Allen stated that the WDO defines a complex as multiple buildings or multiple businesses. A monument sign square footage is dependent on the lineal footage of the frontage. He further stated that the Sign Ordinance section of WDO is under review in 2008. Multiple departments are working together to enforce the sign ordinance.

B. Building report for November 2007. No comments were made.

C. Planning Activity Report – November 5 through December 7, 2007. No comments were made.

BUSINESS FROM THE COMMISSION

None.

ADJOURNMENT

Commissioner Jennings moved to adjourn the meeting Commissioner Vancil seconded the motion, which unanimously carried. Meeting adjourned at 9:22 pm.

APPROVED _____

CLAUDIO LIMA, CHAIRPERSON

Date

ATTEST _____

Jim Allen
Community Development Director
City of Woodburn, Oregon

Date

Planning Commission Meeting December 13, 2007

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CITY OF WOODBURN
Community Development

MEMORANDUM

270 Montgomery Street

Woodburn, Oregon 97071

(503) 982-5246

Date: January 2, 2008
To: Jim Allen, Community Development Director
From: Building Division
Subject: Building Activity for December 2007

	2005		2006		2007	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
Single-Family Residential	8	\$1,402,444	1	\$200,080	3	\$805,852
Multi-Family Residential						
Assisted Living Facilities						
Residential Adds & Alts	1	\$2,000	4	\$118,230	4	\$74,739
Industrial					1	\$473,262
Commercial	7	\$7,642,205	4	\$389,400	5	\$557,500
Signs and Fences	1	\$7,500	1	\$1,600		
Manufactured Homes					1	\$80,000
TOTALS	17	\$9,054,149	10	\$709,310	14	\$1,991,353
Fiscal Year to Date (July 1 - June 30)		\$23,675,842		\$8,217,154		\$17,507,144

PLANNING PROJECT TRACKING SHEET

Revised: Wednesday, January 09, 2008

Project	Applicant	Description Site/Location:	Status:	Date Received	Deemed Complete	120 Day Date	Planner	Referrals	Facilities Meeting	Mail Notice for PC	Notice to Paper	Post Property	Stf Rpt Due	PC Hearing Admin Dec.	PC Final Order	Appeal Deadline
DR 2007-05, VAR 07-04	Butch Price/Bend Oil (Stop N Go)	Remove existing 2311 sf gas station canopy and replace with new 1520 sf canopy. 100 Arney Rd.	Approved-Appeal Period	06/13/2007	11/16/2007	03/15/2008	Don Dolenc	06/13/2007		11/23/2007		11/30/2007	12/06/2007	12/13/2007	12/13/2007	12/25/2007
FPUD 2007-02, ANX 97-08, ZC 97-12, CU 97-03, PUD 97-03, VAR 97-12	Bryan Cavaness	Final approval of PUD - Boones Crossing Ill, Type I Dahlia Street and Brown Street	Received	07/12/2007			Don Dolenc									
LA 2007-02,	City of Woodburn	Legislative Amendment Period Review Remand City of Woodburn	Received	11/26/2007			Jim Allen									
LA 2007-03,	City of Woodburn	Legislative Amendment 270 Montgomery St	Received	11/26/2007			Jim Allen									
23 ZA 2008-01,	Kay Fillmore / Susan Pierce	42% lot coverage 1613 Umpqua Road	Received	01/07/2008			Don Dolenc	01/08/2008								

PLANNING PROJECTS (INCOMPLETE / HOLD)

Revised: Wednesday, January 09, 2008

Project	Applicant	Site/Location:	Description	Status:	Date Received	180-Expiration:	Planner
DR 2007-10	King's Moy Management	770 N. Pacific Hwy	Site upgrade, install new fire hydrant, landscaping & restripe parking for new furniture store.	Incomplete	10/04/2007	04/01/2008	Sam Gollah
DR 2007-12VAR 2007-07, EXCP 2007-08	Mark Grenz, P.E. / Multitech	845 East Lincoln Street	Multiple-family dwellings	Incomplete	11/13/2007	05/11/2008	Don Dolenc
DR 2007-13	Varvitsiotis Architecture (JCK Restaurants)	1755 Mt. Hood Ave.	Fast food restaurant	Incomplete	11/20/2007	05/18/2008	Sam Gollah
DR 2007-14	Scott Beck, Architect	395 Shenandoah Ln	Office addition	Incomplete	12/13/2007	06/10/2008	Sam Gollah
PUD 2006-01ZC 2006-01, CU 2006-04, CPC 2007-01	Boones Crossing, LLC - Mike Hanks	Parcels 1, 2 & 3 of Partition Plat 2006-55	Modifications to Boones Crossing PUD	Incomplete	10/31/2006	04/29/2007	Jim Allen
ZA 2007-03	Mastery Learning Institute	591 Gatch St.	Modification to the conditions of approval with a Zoning Adjustment	Incomplete	08/27/2007	02/23/2008	Sam Gollah

Activity Report - December 6 through January 9

Folder Name	Applicant	Project	Site Location	Description	Date Rec'd:	App Comple	Status:	Planner:
BL 2007-177	Robert W. Bennett, CPA	Will Lane, Inc./Liberty Tax Service #14250	1741 Mt. Hood Ave.	Tax preparation services.	12/11/2007	12/17/2007	Approved	Don Dolenc
BL 2007-176	Jose Alfredo Lopez Ramos	Pepe's Car Accessories	1318 Judy St.	Car Accessories.	12/11/2007		Withdrawn	Don Dolenc
BL 2008-001	Pink Van Enterprises, LLC	Cabi Factory Store	1001 Arney Rd Ste 824/825	Apparel Retail Sales	01/02/2008			Sam Gollah
PAPP 2007-17	Alliks Cam	Alliks Cam	1409 Hardcastle Ave.	Partition existing property with easement accessway. Meeting scheduled for 12/20/07.	12/12/2007	12/12/2007	Complete	Sam Gollah
SIGN 2007-27	James Waker	Liberty tax Services	1741 Mt. Hood Avenue	Application for a wall sign. The application submittals fulfilled the minimum requirements for a 20-square feet wall sign.	12/18/2007	12/24/2007	Approved	Sam Gollah
SIGN 2008-01	Multi Light Sign Co./Steve Walker	Cabi Factory Store	1001 Arney Rd. #824/825	Wall sign.	01/09/2008	01/09/2008	Approved	Sam Gollah
TSP 2007-36	George Curtis	Zbinden & Curtis	1385 Mt. Hood Ave.	Banner	12/27/2007			Don Dolenc

WOODBURN LIVE
DATE 1/09/08
TIME 14:52:46

CITY OF WOODBURN

CHECK REGISTER

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CHECK #	CHECK DATE	PAYEE NAME	STATUS	STATUS DATE	UPDATED	CHECK AMOUNT	RECONCILED AMT	DIFFERENCE
BANK ACCOUNT: AP A/P Accounts Payable								
91322	12/31/2007	LINCOLN NATIONAL LIFE INS	RECONCILED	1/09/2008	YES	43.33	43.33	.00
91323	12/31/2007	GREEN VALLEY FARM	RECONCILED	1/09/2008	YES	50.00	50.00	.00
91324	12/31/2007	KEITH A KIMBERLIN	RECONCILED	1/09/2008	YES	1,266.00	1,266.00	.00
91325	12/06/2007	ALDER LOCKE	RECONCILED	1/09/2008	YES	1,020.00	1,020.00	.00
91326	12/06/2007	ALLIED WASTE SERVICES #45	RECONCILED	1/09/2008	YES	793.25	793.25	.00
91327	12/06/2007	ANNE ROSALES	RECONCILED	1/09/2008	YES	130.00	130.00	.00
91328	12/06/2007	ARAMARK UNIFORM SERVICE I	RECONCILED	1/09/2008	YES	103.40	103.40	.00
91329	12/06/2007	ASAP SOFTWARE	RECONCILED	1/09/2008	YES	313.16	313.16	.00
91331	12/06/2007	BASIC FIRE PROTECTION INC	RECONCILED	1/09/2008	YES	205.00	205.00	.00
91332	12/06/2007	BEULAH JORDAN	RECONCILED	1/09/2008	YES	90.20	90.20	.00
91333	12/06/2007	BI-MART CORPORATION	RECONCILED	1/09/2008	YES	159.40	159.40	.00
91334	12/06/2007	ELUMENHAL UNIFORM & EQUI	RECONCILED	1/09/2008	YES	377.09	377.09	.00
91335	12/06/2007	BOLDT, CARLISLE & SMITH L	RECONCILED	1/09/2008	YES	1,125.00	1,125.00	.00
91336	12/06/2007	BUEHOGAR	RECONCILED	1/09/2008	YES	19.97	19.97	.00
91337	12/06/2007	CANBY TELECOM	RECONCILED	1/09/2008	YES	19.95	19.95	.00
91338	12/06/2007	CASCADE POOLS	RECONCILED	1/09/2008	YES	56.66	56.66	.00
91339	12/06/2007	DATAVISION COMMUNICATIONS	RECONCILED	1/09/2008	YES	148.74	148.74	.00
91340	12/06/2007	DAVID M COREY PHD PC	RECONCILED	1/09/2008	YES	325.00	325.00	.00
91342	12/06/2007	DELL MARKETING LP	RECONCILED	1/09/2008	YES	1,188.50	1,188.50	.00
91343	12/06/2007	EVERETT HEMSHORN	RECONCILED	1/09/2008	YES	83.72	83.72	.00
91344	12/06/2007	INGRAM LIBRARY SERVICES	RECONCILED	1/09/2008	YES	1,347.38	1,347.38	.00
91345	12/06/2007	ISOLUTIONS CONSULTING INC	RECONCILED	1/09/2008	YES	1,187.50	1,187.50	.00
91346	12/06/2007	J. THAYER COMPANY	RECONCILED	1/09/2008	YES	166.88	166.88	.00
91347	12/06/2007	J. WARD O'BRIEN	RECONCILED	1/09/2008	YES	352.82	352.82	.00
91348	12/06/2007	JIM COX	RECONCILED	1/09/2008	YES	41.50	41.50	.00
91349	12/06/2007	JUDSON'S INC	RECONCILED	1/09/2008	YES	2,292.57	2,292.57	.00
91351	12/06/2007	LASER LABS INC	RECONCILED	1/09/2008	YES	170.00	170.00	.00
91352	12/06/2007	LAW ADVISORY GROUP INC	RECONCILED	1/09/2008	YES	189.00	189.00	.00
91353	12/06/2007	LEGISLATIVE COUNSEL COMM	RECONCILED	1/09/2008	YES	390.00	390.00	.00
91354	12/06/2007	LOLA SPERATOS	RECONCILED	1/09/2008	YES	18.86	18.86	.00
91355	12/06/2007	LOWE'S TROPHY	RECONCILED	1/09/2008	YES	12.00	12.00	.00
91356	12/06/2007	M.L. HOUCK CONSTRUCTION C	RECONCILED	1/09/2008	YES	96,548.31	96,548.31	.00
91357	12/06/2007	MARGARET LAMBERT	RECONCILED	1/09/2008	YES	396.52	396.52	.00
91358	12/06/2007	NATIONAL BUSINESS FURNITU	RECONCILED	1/09/2008	YES	96.95	96.95	.00
91359	12/06/2007	NET ASSETS CORPORATION	RECONCILED	1/09/2008	YES	610.00	610.00	.00
91360	12/06/2007	NITA J MARR	RECONCILED	1/09/2008	YES	50.35	50.35	.00
91361	12/06/2007	NORTHWEST NATURAL GAS	RECONCILED	1/09/2008	YES	10,979.10	10,979.10	.00
91362	12/06/2007	OCEAN SYSTEMS	RECONCILED	1/09/2008	YES	9,946.00	9,946.00	.00
91363	12/06/2007	OR DEPT OF ADMINISTRATIVE	RECONCILED	1/09/2008	YES	2,000.00	2,000.00	.00
91364	12/06/2007	OREGON DEPT OF AGRICULTUR	RECONCILED	1/09/2008	YES	150.00	150.00	.00
91365	12/06/2007	OR DEPT OF MOTOR VEHICLE	RECONCILED	1/09/2008	YES	63.50	63.50	.00
91366	12/06/2007	OR STATE POLICE ID SERVIC	RECONCILED	1/09/2008	YES	12.00	12.00	.00
91367	12/06/2007	OSU/IPPC LINDA PARKS	RECONCILED	1/09/2008	YES	510.00	510.00	.00
91368	12/06/2007	PACIFIC OFFICE AUTOMATION	RECONCILED	1/09/2008	YES	25.59	25.59	.00
91369	12/06/2007	PORTLAND GENERAL ELECTRIC	RECONCILED	1/09/2008	YES	39,071.34	39,071.34	.00
91370	12/06/2007	QUEST	RECONCILED	1/09/2008	YES	790.00	790.00	.00
91371	12/06/2007	RALPH HARRIS	RECONCILED	1/09/2008	YES	141.68	141.68	.00
91372	12/06/2007	ROBERT GALVIN	RECONCILED	1/09/2008	YES	336.26	336.26	.00
91373	12/06/2007	RYAN HERCO CO	RECONCILED	1/09/2008	YES	286.48	286.48	.00
91374	12/06/2007	SEBCO BOOKS	RECONCILED	1/09/2008	YES	1,068.22	1,068.22	.00
91375	12/06/2007	SIGNAL CONSTRUCTION GROUP	RECONCILED	1/09/2008	YES	13,579.49	13,579.49	.00
91376	12/06/2007	SKILLPATH SEMINARS	RECONCILED	1/09/2008	YES	134.00	134.00	.00

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91377	12/06/2007	STANLEY CRADER	RECONCILED	1/09/2008	YES	426.42	426.42	.00
91378	12/06/2007	TESTAMERICA ANALYTICAL TE	RECONCILED	1/09/2008	YES	67.50	67.50	.00
91379	12/06/2007	US POSTAL SERVICE	RECONCILED	1/09/2008	YES	376.00	376.00	.00
91380	12/06/2007	USA MOBILITY WIRELESS INC	RECONCILED	1/09/2008	YES	109.14	109.14	.00
91381	12/06/2007	WILLIAM GARBER	RECONCILED	1/09/2008	YES	84.18	84.18	.00
91382	12/06/2007	WOODBURN INDEPENDENT	RECONCILED	1/09/2008	YES	42.00	42.00	.00
91383	12/06/2007	XEROX CORPORATION	RECONCILED	1/09/2008	YES	285.44	285.44	.00
91384	12/06/2007	YES GRAPHICS	RECONCILED	1/09/2008	YES	158.00	158.00	.00
91385	12/31/2007	JORDAN L GARNER	RECONCILED	1/09/2008	YES	445.00	445.00	.00
91386	12/31/2007	TYLER D HANSEN	RECONCILED	1/09/2008	YES	300.00	300.00	.00
91387	12/31/2007	VALLEY MAILING SERVICE IN	RECONCILED	1/09/2008	YES	1,639.80	1,639.80	.00
91388	12/14/2007	AER FITNESS REPAIR	RECONCILED	1/09/2008	YES	331.20	331.20	.00
91389	12/14/2007	ALASKA-SIBERIA RESEARCH C	RECONCILED	1/09/2008	YES	11.00	11.00	.00
91390	12/14/2007	ALEXIN ANALYTICAL LAB INC	RECONCILED	1/09/2008	YES	705.00	705.00	.00
91391	12/14/2007	ALLIED WASTE SERVICES #45	RECONCILED	1/09/2008	YES	1,185.35	1,185.35	.00
91392	12/14/2007	AMAZON.COM CREDIT	RECONCILED	1/09/2008	YES	161.98	161.98	.00
91394	12/14/2007	ASSOCIATED BUSINESS SYSTE	RECONCILED	1/09/2008	YES	83.51	83.51	.00
91395	12/14/2007	ASSOCIATED BUSINESS SYSTE	RECONCILED	1/09/2008	YES	103.73	103.73	.00
91396	12/14/2007	BATTERIES NORTHWEST	RECONCILED	1/09/2008	YES	313.20	313.20	.00
91397	12/14/2007	CDW GOVERNMENT INC	RECONCILED	1/09/2008	YES	849.55	849.55	.00
91398	12/14/2007	CHARLES JOHNSON	RECONCILED	1/09/2008	YES	6.00	6.00	.00
91399	12/14/2007	CH2M-HILL INC	RECONCILED	1/09/2008	YES	3,765.68	3,765.68	.00
91400	12/14/2007	CITY OF CANBY	RECONCILED	1/09/2008	YES	5,042.00	5,042.00	.00
91401	12/14/2007	CTL CORPORATION	RECONCILED	1/09/2008	YES	57.21	57.21	.00
91402	12/14/2007	DAVISON AUTO PARTS	RECONCILED	1/09/2008	YES	8.07	8.07	.00
91403	12/14/2007	DON SCHUTZ	RECONCILED	1/09/2008	YES	31.00	31.00	.00
91404	12/14/2007	EASYSTREET ONLINE SERVICE	RECONCILED	1/09/2008	YES	168.00	168.00	.00
91405	12/14/2007	ERNIE GRAHAM OIL INC	RECONCILED	1/09/2008	YES	100.35	100.35	.00
91406	12/14/2007	ESCHELON TELECOM INC	RECONCILED	1/09/2008	YES	1,080.00	1,080.00	.00
91407	12/14/2007	FCS GROUP INC	RECONCILED	1/09/2008	YES	7,200.00	7,200.00	.00
91408	12/14/2007	FRANCIS CHITWOOD	RECONCILED	1/09/2008	YES	15.00	15.00	.00
91409	12/14/2007	GOV'T FINANCE OFFICERS AS	RECONCILED	1/09/2008	YES	215.00	215.00	.00
91410	12/14/2007	GRAINGER INC	RECONCILED	1/09/2008	YES	563.76	563.76	.00
91411	12/14/2007	HARPER, HOUF, PETERSON, RICH	RECONCILED	1/09/2008	YES	6,662.64	6,662.64	.00
91412	12/14/2007	HUBBARD CHEVROLET	RECONCILED	1/09/2008	YES	37.35	37.35	.00
91413	12/14/2007	HUMAN KINETICS	RECONCILED	1/09/2008	YES	56.65	56.65	.00
91414	12/14/2007	INDUSTRIAL SUPPLY CO	RECONCILED	1/09/2008	YES	1,042.92	1,042.92	.00
91415	12/14/2007	INGRAM LIBRARY SERVICES	RECONCILED	1/09/2008	YES	87.46	87.46	.00
91416	12/14/2007	INTERSTATE AUTO PARTS WHS	RECONCILED	1/09/2008	YES	14.16	14.16	.00
91417	12/14/2007	ISOLUTIONS CONSULTING INC	RECONCILED	1/09/2008	YES	437.50	437.50	.00
91418	12/14/2007	JACK RAWLINGS	RECONCILED	1/09/2008	YES	48.15	48.15	.00
91419	12/14/2007	JAVIER ROMERO	RECONCILED	1/09/2008	YES	1,592.50	1,592.50	.00
91420	12/14/2007	JEFF TUCKER	RECONCILED	1/09/2008	YES	28.04	28.04	.00
91422	12/14/2007	JERRY JANSZEN	RECONCILED	1/09/2008	YES	9.00	9.00	.00
91423	12/14/2007	JET HEATING INC	RECONCILED	1/09/2008	YES	367.75	367.75	.00
91424	12/14/2007	KUSTOM KREATIONS OF OREGO	RECONCILED	1/09/2008	YES	17.10	17.10	.00
91425	12/14/2007	LEAGUE OF OREGON CITIES	RECONCILED	1/09/2008	YES	1,007.75	1,007.75	.00
91426	12/14/2007	LEGISLATIVE COUNSEL COMM	RECONCILED	1/09/2008	YES	390.00	390.00	.00
91427	12/14/2007	LEXIPOL LLC	RECONCILED	1/09/2008	YES	2,450.00	2,450.00	.00
91428	12/14/2007	LINCOLN EQUIPMENT CO	RECONCILED	1/09/2008	YES	42.22	42.22	.00
91429	12/14/2007	LOWE'S	RECONCILED	1/09/2008	YES	3.97	3.97	.00
91430	12/14/2007	MELBA HENDERSON	RECONCILED	1/09/2008	YES	15.00	15.00	.00
91431	12/14/2007	MOLALLA COMMUNICATIONS	RECONCILED	1/09/2008	YES	149.70	149.70	.00

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91432	12/14/2007	MONIQUE HULLING-ADAMS	RECONCILED	1/09/2008	YES	33.00	33.00	.00
91433	12/14/2007	NATIONAL FIRE PROTECTION	RECONCILED	1/09/2008	YES	150.00	150.00	.00
91434	12/14/2007	NIKOLAY SHIMANSKIY	RECONCILED	1/09/2008	YES	181.74	181.74	.00
91435	12/14/2007	NORCOM	RECONCILED	1/09/2008	YES	26,374.09	26,374.09	.00
91436	12/14/2007	OACP	RECONCILED	1/09/2008	YES	366.00	366.00	.00
91437	12/14/2007	OFFICE DEPOT	RECONCILED	1/09/2008	YES	268.75	268.75	.00
91438	12/14/2007	ONE CALL CONCRETS INC	RECONCILED	1/09/2008	YES	72.45	72.45	.00
91439	12/14/2007	OR DEPT OF ADMINISTRATIVE	RECONCILED	1/09/2008	YES	1,599.49	1,599.49	.00
91441	12/14/2007	OREGON DEPT OF AGRICULTUR	RECONCILED	1/09/2008	YES	207.50	207.50	.00
91442	12/14/2007	OR DEPT OF TRANSPORTATION	RECONCILED	1/09/2008	YES	1,662.81	1,662.81	.00
91443	12/14/2007	OREGON STATE BAR	RECONCILED	1/09/2008	YES	1,023.50	1,023.50	.00
91444	12/14/2007	PAUL'S POWER EQUIPMENT &	RECONCILED	1/09/2008	YES	266.36	266.36	.00
91445	12/14/2007	PETROCARD	RECONCILED	1/09/2008	YES	5,653.60	5,653.60	.00
91446	12/14/2007	PORTLAND GENERAL ELECTRIC	RECONCILED	1/09/2008	YES	39,641.14	39,641.14	.00
91447	12/14/2007	PROGRASS INC	RECONCILED	1/09/2008	YES	909.00	909.00	.00
91448	12/14/2007	PUBLIC WORKS SUPPLY INC	RECONCILED	1/09/2008	YES	499.60	499.60	.00
91449	12/14/2007	QWEST	RECONCILED	1/09/2008	YES	91.97	91.97	.00
91450	12/14/2007	QWEST	RECONCILED	1/09/2008	YES	2,451.82	2,451.82	.00
91451	12/14/2007	RADIX CORPORATION	RECONCILED	1/09/2008	YES	204.00	204.00	.00
91452	12/14/2007	RECORDED BOOKS INC	RECONCILED	1/09/2008	YES	278.00	278.00	.00
91454	12/14/2007	S.O.S. LOCK SERVICE	RECONCILED	1/09/2008	YES	46.00	46.00	.00
91455	12/14/2007	SECRETARY OF STATE	RECONCILED	1/09/2008	YES	40.00	40.00	.00
91456	12/14/2007	SHILO INN SEASIDE OCEANFR	RECONCILED	1/09/2008	YES	370.60	370.60	.00
91457	12/14/2007	SILVERFLEET SYSTEMS	RECONCILED	1/09/2008	YES	4,057.86	4,057.86	.00
91458	12/14/2007	SONITROL	RECONCILED	1/09/2008	YES	220.00	220.00	.00
91459	12/14/2007	SPRINT	RECONCILED	1/09/2008	YES	18.49	18.49	.00
91460	12/14/2007	SPRINT	RECONCILED	1/09/2008	YES	380.69	380.69	.00
91461	12/14/2007	STATE OF OREGON CORP DIVI	RECONCILED	1/09/2008	YES	20.00	20.00	.00
91462	12/14/2007	TEK SYSTEMS INC	RECONCILED	1/09/2008	YES	1,472.00	1,472.00	.00
91463	12/14/2007	TESTAMERICA ANALYTICAL TE	RECONCILED	1/09/2008	YES	4,665.82	4,665.82	.00
91464	12/14/2007	TIM'S DIESEL TRUCK REPAIR	RECONCILED	1/09/2008	YES	40.00	40.00	.00
91465	12/14/2007	UNION PACIFIC RAILROAD CO	RECONCILED	1/09/2008	YES	362.67	362.67	.00
91466	12/14/2007	WATER GEAR INC	RECONCILED	1/09/2008	YES	788.97	788.97	.00
91467	12/14/2007	WEST PAYMENT CENTER	RECONCILED	1/09/2008	YES	366.75	366.75	.00
91469	12/14/2007	WILCO FARMERS MT ANGEL BR	RECONCILED	1/09/2008	YES	289.14	289.14	.00
91470	12/14/2007	WOLFERS HEATING & AIR CON	RECONCILED	1/09/2008	YES	131.25	131.25	.00
91471	12/14/2007	WOODBURN HEARING CENTER	RECONCILED	1/09/2008	YES	63.00	63.00	.00
91472	12/14/2007	WOODBURN INDEPENDENT	RECONCILED	1/09/2008	YES	162.92	162.92	.00
91473	12/14/2007	WOODBURN RADIATOR & GLASS	RECONCILED	1/09/2008	YES	309.00	309.00	.00
91474	12/14/2007	XEROX CORPORATION	RECONCILED	1/09/2008	YES	122.42	122.42	.00
91475	12/14/2007	YES GRAPHICS	RECONCILED	1/09/2008	YES	827.31	827.31	.00
91476	12/14/2007	YES GRAPHICS	RECONCILED	1/09/2008	YES	55.25	55.25	.00
91477	12/31/2007	PETTY CASH	RECONCILED	1/09/2008	YES	182.97	182.97	.00
91478	12/31/2007	DALLWIG BROTHERS BUILDING	RECONCILED	1/09/2008	YES	755.00	755.00	.00
91479	12/31/2007	VALLEY MAILING SERVICE IN	RECONCILED	1/09/2008	YES	663.75	663.75	.00
91480	12/21/2007	ACLU FOUNDATION OF OREGON	RECONCILED	1/09/2008	YES	60.00	60.00	.00
91482	12/21/2007	ARAMARK UNIFORM SERVICE I	RECONCILED	1/09/2008	YES	211.40	211.40	.00
91484	12/21/2007	BLACKSTONE AUDIOBOOKS	RECONCILED	1/09/2008	YES	110.32	110.32	.00
91485	12/21/2007	BOLI TECHNICAL	RECONCILED	1/09/2008	YES	257.50	257.50	.00
91486	12/21/2007	BOTACH TACTICAL	RECONCILED	1/09/2008	YES	294.80	294.80	.00
91488	12/21/2007	CDW GOVERNMENT INC	RECONCILED	1/09/2008	YES	147.86	147.86	.00
91490	12/21/2007	DHS HEALTH SERVICES	RECONCILED	1/09/2008	YES	380.00	380.00	.00
91491	12/21/2007	ERNIE GRAHAM OIL INC	RECONCILED	1/09/2008	YES	333.81	333.81	.00

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91493	12/21/2007	GALE	RECONCILED	1/09/2008	YES	211.55	211.55	.00
91494	12/21/2007	GENERAL ELECTRIC CAPITAL	RECONCILED	1/09/2008	YES	215.89	215.89	.00
91495	12/21/2007	GRAINGER INC	RECONCILED	1/09/2008	YES	656.68	656.68	.00
91496	12/21/2007	HILLYER'S MID CITY FORD	RECONCILED	1/09/2008	YES	569.27	569.27	.00
91497	12/21/2007	INGRAM LIBRARY SERVICES	RECONCILED	1/09/2008	YES	1,764.78	1,764.78	.00
91498	12/21/2007	ITT FLTGT CORPORATION	RECONCILED	1/09/2008	YES	78,500.00	78,500.00	.00
91499	12/21/2007	J. THAYER COMPANY	RECONCILED	1/09/2008	YES	2,242.77	2,242.77	.00
91500	12/21/2007	KEY EQUIPMENT FINANCE	RECONCILED	1/09/2008	YES	163.00	163.00	.00
91501	12/21/2007	LANGUAGE LINE SERVICES	RECONCILED	1/09/2008	YES	272.35	272.35	.00
91502	12/21/2007	MARSHALL CAVENDISH CORP	RECONCILED	1/09/2008	YES	511.98	511.98	.00
91503	12/21/2007	MASCOTT EQUIPMENT	RECONCILED	1/09/2008	YES	189.95	189.95	.00
91504	12/21/2007	MONTAG HEATING & AIR COND	RECONCILED	1/09/2008	YES	1,112.00	1,112.00	.00
91505	12/21/2007	MORGAN REYNOLDS INC	RECONCILED	1/09/2008	YES	105.64	105.64	.00
91506	12/21/2007	MSI GROUP INC	RECONCILED	1/09/2008	YES	400.00	400.00	.00
91507	12/21/2007	NEXTEL COMMUNICATIONS	RECONCILED	1/09/2008	YES	1,602.93	1,602.93	.00
91508	12/21/2007	NORTH CENTRAL LABORATORIE	RECONCILED	1/09/2008	YES	427.95	427.95	.00
91509	12/21/2007	NORTH SANTIAM PAVING CO	RECONCILED	1/09/2008	YES	35,134.90	35,134.90	.00
91510	12/21/2007	NORTHWEST BIOSOLIDS MGMT	RECONCILED	1/09/2008	YES	277.00	277.00	.00
91511	12/21/2007	NWGIA ATTN:MIKE BEAGEN	RECONCILED	1/09/2008	YES	20.00	20.00	.00
91512	12/21/2007	OFFICE DEPOT	RECONCILED	1/09/2008	YES	366.52	366.52	.00
91516	12/21/2007	OREGON STATE BAR	RECONCILED	1/09/2008	YES	595.00	595.00	.00
91517	12/21/2007	OSU/IPPC LINDA PARKS	RECONCILED	1/09/2008	YES	340.00	340.00	.00
91518	12/21/2007	PLAT ELECTRIC CO	RECONCILED	1/09/2008	YES	46.14	46.14	.00
91519	12/21/2007	RINKER MATERIALS	RECONCILED	1/09/2008	YES	52,008.52	52,008.52	.00
91520	12/21/2007	CRYSTAL AND SIERRA SPRING	RECONCILED	1/09/2008	YES	186.19	186.19	.00
91521	12/21/2007	SILKE COMMUNICATIONS INC	RECONCILED	1/09/2008	YES	88.00	88.00	.00
91523	12/21/2007	T-MOBILE	RECONCILED	1/09/2008	YES	249.95	249.95	.00
91525	12/21/2007	TESTAMERICA ANALYTICAL TE	RECONCILED	1/09/2008	YES	4,044.74	4,044.74	.00
91526	12/21/2007	UNITED PIPE & SUPPLY CO	RECONCILED	1/09/2008	YES	3,238.25	3,238.25	.00
91528	12/21/2007	WENDELL B AMSTUTZ	RECONCILED	1/09/2008	YES	130.00	130.00	.00
91529	12/21/2007	FIRST BANK OF MONTANA	RECONCILED	1/09/2008	YES	18,918.00	18,918.00	.00
91530	12/21/2007	WILLAMETTE VALLEY SECURIT	RECONCILED	1/09/2008	YES	59.85	59.85	.00
91531	12/21/2007	WOODBURN RADIATOR & GLASS	RECONCILED	1/09/2008	YES	49.00	49.00	.00
91532	12/31/2007	OR DEPT OF MOTOR VEHICLE	RECONCILED	1/09/2008	YES	63.50	63.50	.00
91542	12/28/2007	ARAWAK UNIFORM SERVICE I	RECONCILED	1/09/2008	YES	1,064.64	1,064.64	.00
91549	12/28/2007	BRATTAIN INT'L TRUCKS	RECONCILED	1/09/2008	YES	451.80	451.80	.00
91565	12/28/2007	DELL MARKETING LP	RECONCILED	1/09/2008	YES	13,264.90	13,264.90	.00
91574	12/28/2007	ERNIE GRAHAM OIL INC	RECONCILED	1/09/2008	YES	86.03	86.03	.00
91577	12/28/2007	FOOD SERVICES OF AMERICA	RECONCILED	1/09/2008	YES	585.65	585.65	.00
91585	12/28/2007	HD SUPPLY WATERWORKS LTD	RECONCILED	1/09/2008	YES	1,013.52	1,013.52	.00
91591	12/28/2007	INTERSTATE AUTO PARTS WHS	RECONCILED	1/09/2008	YES	47.66	47.66	.00
91592	12/28/2007	J. WARD O'BRIEN	RECONCILED	1/09/2008	YES	220.80	220.80	.00
91603	12/28/2007	LES SCHWAB TIRE CENTER	RECONCILED	1/09/2008	YES	308.32	308.32	.00
91638	12/28/2007	RALPH HARRIS	RECONCILED	1/09/2008	YES	100.80	100.80	.00
91645	12/28/2007	SECRETARY OF STATE	RECONCILED	1/09/2008	YES	350.00	350.00	.00
91653	12/28/2007	UNIVAR USA INC	RECONCILED	1/09/2008	YES	446.00	446.00	.00
91657	12/28/2007	WATERSHED INC	RECONCILED	1/09/2008	YES	314.72	314.72	.00
91663	12/28/2007	YES GRAPHICS	RECONCILED	1/09/2008	YES	178.00	178.00	.00
BANK AP TOTAL:						554,210.11	554,210.11	.00

RECONCILED . . . : 206 CHECKS 554,210.11
NOT RECONCILED . . . : CHECKS .00

COMMUNITY SERVICES DEPARTMENT STATISTICS

NOVEMBER 2007

8G

Recreation Services Division

	<u>Nov-06</u>	<u>Nov-07</u>	<u>2006 YTD</u>	<u>2007 YTD</u>
Revenue:	\$1,286.00	\$1,813.00	\$44,676.00	\$56,958.41
Expenditures:	\$31,152.82	\$21,090.54	\$180,896.82	\$160,534.36
<u>Program Attendance:</u>				
Youth Sports:	0	0	601	476
Adult Sports:	685	186	1,953	1,451
Youth Programs:	0	0	2,300	1,610
Adult Programs:	16	5	492	10
Teen Programs:	0	341	0	2,268
After School Club:	1,915	1,103	7,207	6,281
Special Events:	0	0	4,195	9,500
TOTAL:	2,616	1,635	16,748	21,596

Aquatics Division

	<u>Nov-06</u>	<u>Nov-07</u>	<u>2006 YTD</u>	<u>2007 YTD</u>
Revenue:	9,802.60	7,882.94	63,853.97	68,224.46
Expenditures:	36,491.63	39,229.94	219,203.12	233,789.39
Cost Recovery:	27%	20%	29%	29%
Attendance:	3,337	3,537	21,715	22,112
<u>Lesson Enrollment:</u>				
Group:	54	59	541	659
Adults:	0	8	3	14
Private:	0	1	5	31
4th Grade:	84	91	258	246
TOTAL:	138	159	807	950

Library Division

	<u>Nov-06</u>	<u>Nov-07</u>	<u>2006 YTD</u>	<u>2007 YTD</u>
Revenue:	\$15,734.63	\$16,261.16	\$36,151.55	\$39,129.68
Expenditures:	\$91,250.80	\$89,345.41	\$401,018.22	\$400,861.18
Library Attendance:	16,782	12,925	86,165	76,217
Library Circulation:	9,600	11,332	52,037	57,587
Adult Program Count:	2	0	11	10
Adult Attendance:	129	0	6,244	3,700
Youth Service Program Count:	32	29	133	126
Youth Service Attendance:	521	382	2,785	2,526
Database Usage:	58	626	2,902	3,933
Adult Computer Usage:	4,397	3,350	22,327	21,316
Youth Services Computer Usage:	846	801	4,445	4,306
New Adds:	383	529	1,689	2,587
Volunteer Hours Worked:	155	87	817	488

NOVEMBER 2007

January 14, 2008

TO: Mayor and City Council through City Administrator
FROM: Ben Gillespie, Finance Director *Ben*
SUBJECT: **Audit Reports**

RECOMMENDATION:

Accept reports.

BACKGROUND:

The 2006-07 financial statements have been finalized, and the City's auditors, Boldt, Carlisle, & Smith, have issued an unqualified opinion on them. As required by statute the financial statements and the opinion have been filed with the Secretary of State.

Because the Woodburn Urban Renewal Agency is a blended component unit of the City of Woodburn, its activities are included in the City financial statements. In addition the financial statements of the URA are presented separately, and the auditors rendered a separate opinion on those statements. This staff report presents the audited financial statements for both the City and the Woodburn URA.

In their opinion on the City's statements, the auditors stated:

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of City of Woodburn, as of June 30, 2007, and the respective changes in financial position and, where applicable, cash flows, thereof and the respective budgetary comparisons . . .

The audit opinion on the URA statements includes similar language but is limited to just the governmental activities. There are no business-type activities recorded in the URA accounts.

Agenda Item Review:

City Administrator *[Signature]*

City Attorney *NFS*

Finance *Ben*

in this arrangement, it would cost between 120% and 140% of the current audit fee. Boldt, Carlise has no clients that organize their audits this way.

Another option is to ignore the finding. Boldt, Carlise has advised us that this finding was included in 90% of the audits they performed this year. Most small and medium size organizations do not have the staff to prepare the financial statements in-house and do not find it economically feasible to hire a second accounting firm to do it. Management recommends this course of action.

2007-02 notes that the general ledger cash is not reconciled to the bank each month, and any discrepancy that remains is written off at year end. This is a problem that staff attempted but was unable to solve during 2006-07. To address the problem in the coming year, report writing software has been purchased and a staff member is being trained to use it. This will allow large volumes of financial data to be filtered and sorted in ways that will make possible direct comparisons to bank data. Then any discrepancies can be identified and corrected in a timely manner.

FINANCIAL IMPACT:

The audits were conducted at agreed to contract prices of \$24,400 for the City and \$2,575 for the URA.

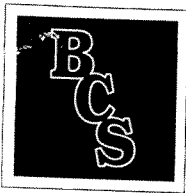
this arrangement, it would cost between 120% and 140% of the current audit fee. Boldt, Carlise has no clients that organize their audits this way.

Another option is to ignore the finding. Boldt, Carlise has advised us that this finding was included in 90% of the audits they performed this year. Most small and medium size organizations do not have the staff to prepare the financial statements in-house and do not find it economically feasible to hire a second accounting firm to do it. Management recommends this course of action.

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FINANCIAL IMPACT:

The audits were conducted at agreed to contract prices of \$24,400 for the City and \$2,575 for the URA.



BOLDT, CARLISLE & SMITH LLC

CERTIFIED PUBLIC ACCOUNTANTS

PARTNERSHIP ■ ASSURANCE ■ INNOVATION

December 26, 2007

To the City Council
CITY OF WOODBURN
Woodburn, Oregon

In planning and performing our audit of the financial statements of CITY OF WOODBURN as of and for the year ended June 30, 2007, in accordance with auditing standards generally accepted in the United States of America, we considered CITY OF WOODBURN's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A control deficiency exists when the design or operation of a control does not allow management or volunteers, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or a combination of control deficiencies, that adversely affects the City's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the City's financial statements that is more than inconsequential will not be prevented or detected by the City's internal control.

A material weakness is a significant deficiency, or a combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the City's internal control.

Our consideration of internal control was for the limited purpose described in the first paragraph and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control that we consider to be material weaknesses, as defined above. However, we identified the following deficiencies in internal control that we consider to be significant deficiencies:

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Established - 1968

SALEM: 480 CHURCH STREET S.E. ■ SALEM, OR 97301 ■ PHONE: (503) 585-7751 ■ FAX: (503) 370-3781
STAYTON: 408 NORTH THIRD AVENUE ■ STAYTON, OR 97383 ■ PHONE: (503) 769-2186 ■ FAX: (503) 769-4312
ALBANY: 1205 9TH AVENUE S.E. ■ ALBANY, OR 97322 ■ PHONE: (541) 928-6500 ■ FAX: (541) 928-6501

1. Financial reporting in accordance with the modified cash and cash basis of accounting, including appropriate disclosures, is the responsibility of management and internal controls should include policies and procedures over financial reporting. Management has established internal control over financial reporting sufficient for its governance purposes. However, these internal controls have not addressed the preparation of financial statements in accordance with the modified cash and cash basis of accounting, including appropriate disclosures. As a result Boldt, Carlisle and Smith, LLC has drafted the financial statements. The draft financial statements were submitted to management for review and approval. Management has reviewed the draft financial statements and disclosures and has represented that they have taken responsibility for the final financial statements including disclosures.
2. We noted that the bank accounts were not reconciled to the general ledger on a monthly basis. Without a reconciliation of the bank account to the general ledger, a material misstatement, caused by error or fraud, could occur and not be detected and corrected in a timely manner. We recommend that the City prepare timely reconciliations and resolve any unreconciled differences.

This communication is intended solely for the information and use of management, City Council, and others within the City, and is not intended to be and should not be used by anyone other than these specified parties.

Boldt, Carlisle & Smith, LLC

Certified Public Accountants
Salem, Oregon

H: Client9_98408 2007 SAS 112 letter.doc

January 14, 2008

TO: Mayor and City Council
FROM: N. Robert Shields, City Attorney
SUBJECT: **Reappointment to LOC Legal Advisory Committee**

RECOMMENDATION:

Receive the report.

BACKGROUND:

The President of the League of Oregon Cities (LOC) recently reappointed me to the LOC Legal Advisory Committee (see attached letter). This group considers requests by cities throughout the state for LOC participation in the filing of amicus ("friend of the court") briefs in appellate litigation. During the legislative session, it also recommends to LOC that it take positions on various pieces of legislation.

The committee consists of statewide elected and appointed officials. Presently there are city attorneys from Portland, Eugene, Lake Oswego, McMinnville, Hood River and Woodburn. The remaining group of city officials seems to vary greatly from year to year.

DISCUSSION:

I have served on this committee for approximately five years. Meetings normally occur monthly and also on an "as needed" basis. Most meetings occur by conference call. Participation on this LOC committee benefits Woodburn by increasing my exposure to statewide legal issues.

FINANCIAL IMPACT:

None.

Agenda Item Review:

City Administrator 

City Attorney 

Finance 



League of Oregon Cities
Local Government Center
1201 Court St. NE, Suite 200
Salem, Oregon 97301-4194

P.O. Box 928
Salem, Oregon 97308-0928

(503) 588-6550 or
1-800-452-0338
Fax: (503) 399-4863
E-mail: loc@orcities.org
Web: www.orcities.org

OFFICERS

PRESIDENT
Bob Austin
Mayor, Estacada

VICE-PRESIDENT
Tom Hughes
Mayor, Hillsboro

TREASURER
Shirley Kalkhoven
Mayor, Nehalem

PAST PRESIDENT
Jim Fairchild
Mayor, Dallas

DIRECTORS

Nancy Boyer
Asst. City Manager, Newport

Bud Hart
Councilor, Klamath Falls

Colleen Johnson
Mayor, La Grande

Jim Lewis
Mayor, Jacksonville

Rex Mather
City Manager, Boardman

John McArdle
Mayor, Independence

Dennis Ross
Mayor, Maupin

Erik Sten
Commissioner, Portland

Carly Strauss
Mayor, Turner

Dennis Taylor
City Manager, Eugene

Mike Wendel
Mayor, Prineville

Gary Williams
Mayor, Cottage Grove

Mike McCauley
Executive Director

December 13, 2007

☆ REC'D ☆

DEC 14 2007

WOODBURN
CITY ATTORNEY

N. Robert Shields
City Attorney
270 Montgomery St
Woodburn, OR 97071

Dear ~~N. Robert~~ Robert:

I am pleased to inform you of your appointment by LOC President Bob Austin to the LOC Legal Advocacy Policy Committee. For your information I have enclosed final rosters of each of the newly-appointed committees for 2008-09. The League staff person assigned to your committee will contact you soon with more details, including a schedule of upcoming meetings.

I want to extend to you my personal thanks for volunteering your time and expertise in this capacity. We expect a very busy couple of years as we advocate for healthy Oregon cities, and your role in developing policies and a legislative agenda for cities is a critical one.


I look forward to working with you. Best wishes for a happy holiday season.

Sincerely,

Michael J. McCauley
Executive Director

MJM:jmo
Enclosure

January 14, 2008

TO: Honorable Mayor and City Council through City Administrator
FROM: Randy Rohman, Acting Public Works Director 
SUBJECT: Speed Zone Change on Highway 211 east of Highway 99E

INFORMATION:

On December 27, 2007 ODOT issued a Speed Zone Order that modified the speed zone from Pacific Highway East (Highway 99E) to 50 feet east of Cooley Road on Woodburn-Estacada Highway (Highway 211). The modification reduced the speed in this zone from the existing 45 MPH to 35 MPH.

The Speed Zone Order also directs that new signage be installed. Installation of the new signs will be accomplished by the Region 2 sign maintenance crew as soon as their scheduling and workload allows.


Agenda Item Review:

City Administrator 

City Attorney 

Finance 

January 14, 2008

TO: Honorable Mayor and City Council through City Administrator
FROM: Randy Rohman, Acting Public Works Director 
SUBJECT: Highway 214/Settlemer Avenue/Boones Ferry Road Project Update

INFORMATION:

The ODOT project (with City cost sharing) for the Boones Ferry/Settlemer/Highway 214 intersection was originally scheduled for completion in the 2006 construction season. ODOT requirements to accomplish high priority bridge projects with legislative deadlines originally delayed the project. Other ODOT and City design consultant delays further slowed the project. Staff informed Council in an October 22, 2007 memo that a bid opening date of January 17, 2008 had been established for the project and that all items required for the bid opening were on schedule to be completed for that bid open date.

In mid December 2007 the ODOT project manager informed the City that the bid opening would have to be delayed because the Department of Justice (DOJ) had not approved the scope of work agreement for the construction engineering on the project. ODOT bidding regulations require that the construction engineering agreement be complete prior to bid award. The ODOT project manager has been informed by DOJ that the agreement will be reviewed and approved by January 15, 2008.

ODOT bid dates in February and March are full or restricted leaving the April 10, 2008 date the first that the project can be ready for. The ODOT project manager has reserved a spot on the April 10, 2008 bid opening for the project.

Agenda Item Review:

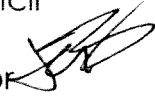
City Administrator 

City Attorney 

Finance 

January 14, 2008

TO: Honorable Mayor and City Council

FROM: John C. Brown, City Administrator 

SUBJECT: **Ordinance Delegating Authority to Appoint
Municipal Judges Pro Tem Subject to the
Process Provided in the Ordinance**

RECOMMENDATION:

It is recommended the City Council adopt the attached Ordinance delegating to the Municipal Judge the authority to appoint Municipal Judges pro tem subject to the process provided in the Ordinance.

BACKGROUND:

The City Charter vests in the City Council the authority to appoint the Municipal Court Judge. Although it is not specifically stated, it follows that the Charter also vests in the City Council the authority to appoint judges pro tem. In past practice, the Municipal Court Judge has appointed judges pro tem. The Judge has exercised discretion as to the qualifications of these appointments; these appointments are not subject to any City administrative oversight.

Pro tem judges are needed when the Judge is unavailable, disqualified, or recuses herself from a case. The Judge makes sparing use of judges pro tem. In the past three years, she has appointed two individuals to the position, over a total of seven court days. Those days occurred in either 2006-07 or thus far in 2007-08. No pro tems were required in 2005-06. Of the pro tems appointed, one is a Municipal Court Judge in other jurisdictions; he and the Judge provide reciprocal services when pro tems are needed. The other individual is an attorney, in good standing in the area.


DISCUSSION:

Members of the Council recently questioned the pro tem appointment process. Staff examined it and concluded that while the present system appears to serve the City's needs, an ordinance formalizing past practice and conveying the

Agenda Item Review:

City Administrator 

City Attorney 

Finance 

necessary authority to the Municipal Court Judge, establishing and memorializing formal qualifications for judges pro tem, and providing for the level of Council oversight to which it is entitled, should be adopted. The attached ordinance accomplishes those objectives, and is recommended for your approval.

Financial Impact:

Costs for judges pro tem totaled \$262.50 in 2006-07 and were \$562.50 through December 31, 2007 this fiscal year.

COUNCIL BILL NO.

ORDINANCE NO.

AN ORDINANCE DELEGATING TO THE MUNICIPAL JUDGE THE AUTHORITY TO APPOINT MUNICIPAL JUDGES PRO TEM SUBJECT TO THE PROCESS PROVIDED IN THIS ORDINANCE.

WHEREAS, under the Woodburn City Charter ("the Charter"), the City Council is vested with the authority to appoint the Woodburn Municipal Judge; and

WHEREAS, the Council has the further authority to appoint Municipal Judges pro tem, as necessary, and to adopt procedures for their appointment; and

WHEREAS, the Council has considered this matter and has decided to delegate its authority to the Municipal Judge for the appointment of Municipal Judges pro tem, subject to the appointment process provided by the Council in this Ordinance; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Consistent with the Charter and pursuant to this Ordinance, one or more Municipal Judges pro tem may be appointed to serve when the Municipal Judge is ill, disqualified or otherwise unavailable. Municipal Judges pro tem, when acting in that capacity, shall have all the duties and powers of the Municipal Judge.

Section 2. Municipal Judges pro tem shall be members in good standing of the Oregon State Bar.

Section 3. Municipal Judges pro tem may be appointed by the Municipal Judge, subject to the authority vested in the Council under the Charter to hire and terminate judges of the Municipal Court and the discretion of the Council to amend or repeal the procedures provided in this Ordinance. The Municipal Judge may terminate any appointment to the position of Municipal Judge pro tem, with or without cause. The Municipal Judge shall within 30 days advise the Council of all appointments, resignations and terminations of Municipal Judges pro tem. The Council retains its authority to disapprove or terminate the appointment on a Municipal Judge pro tem, with or without cause, but until the Council so acts, a Municipal Judge pro tem shall have the power to serve after taking the oath of office prescribed in Section 28 of the Charter.

Section 4. Assignment of a Municipal Judge pro tem to serve in particular matters or cases shall be made by the Municipal Judge. If the Municipal Judge does not make an assignment, it may be made administratively by the clerk of the Municipal Court in accordance with directions or procedures previously established by the Municipal Judge.

Section 5. The City Council may by resolution establish the rate of any compensation to be paid to Municipal Judges pro tem for services performed in that capacity.

Section 6. Any action, decision or judgment made or taken by a Municipal Judge pro tem prior to the effective date of this Ordinance is in all respects ratified and confirmed, and shall remain effective and binding, whether or not the Municipal Judge pro tem was appointed in accordance with the standards set forth in this Ordinance.

Approved as to form:



City Attorney

1/10/2008

Date

Approved: _____

Kathryn Figley, Mayor

Passed by the Council

Submitted to the Mayor



Approved by the Mayor

Filed in the Office of the Recorder

ATTEST:

Mary Tennant City Recorder
City of Woodburn, Oregon

January 14, 2008

TO: Honorable Mayor and City Council through City Administrator
VIA: Randy Rohman, Acting Public Works Director 
FROM: Randy Scott, Senior Engineering Technician 
SUBJECT: **Final Assessments, Country Club Road LID**

RECOMMENDATION:

Approve the attached resolution, which sets the public hearing date for levying final assessment costs to benefiting properties within the Local Improvement District for Country Club Road, between Boones Ferry Road and Astor Way.

BACKGROUND and DISCUSSION:

The City Council initiated the Local Improvement District (LID) process for Country Club Road street improvements from Boones Ferry Road to Astor Way, approved the engineering report, held a public hearing and adopted Ordinance No. 2407 that established the legal foundation for the LID assessments. The Street improvements to Country Club Road have been completed and final cost are known.

Ordinance No. 2105 which defines the process for the Local Improvement District requires a public hearing to be held to levy the final assessment of costs. The purpose of the hearing is inform the benefiting properties of changes made to the estimated assessment identified in Ordinance 2407 and to allow staff to correct any calculation errors.

The Resolution sets the public hearing date of February 25, 2008. Notification will be published in the local newspaper and in addition, staff will mail notification to each benefiting property of the district.

FINANCIAL IMPACT:

Publication and mailing of the notice estimated at \$300.00. Budget line item 582.691.6999.5425

Agenda Item Review:

City Administrator 

City Attorney 

Finance 

COUNCIL BILL NO.

RESOLUTION NO.

A RESOLUTION ESTABLISHING A PUBLIC HEARING DATE FOR LEVYING THE FINAL ASSESSMENT OF COSTS FOR THE IMPROVEMENT OF COUNTRY CLUB ROAD BETWEEN BOONES FERRY ROAD AND ASTOR WAY.

WHEREAS, the City Council reviewed and approved the engineering report on the improvement of Country Club Road on May 22, 2006; and

WHEREAS, the City Council by Resolution No. 1834, declared its intent to improve Country Club Road through a Local Improvement District process, adopted the method of assessment, established a date for the public hearing; and

WHEREAS, the Public Hearing was held on July 10, 2006 to receive input from affected property owners. No remonstrances were received by the city, and therefore, suspension and reconsideration by the city council was not required; and

WHEREAS, the City Council by Ordinance 2407, ordered the street improvements to Country Club Road, established the method of assessment to the benefited properties, directed the contract award, and provided for the payment of costs through assessment of properties in the Local Improvement District; and

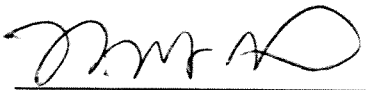
WHEREAS, construction of Country Club Road street improvements between Boones Ferry Road and Astor Way have been completed; and

WHEREAS, a final assessment hearing is required before the final assessment ordinance is passed, **NOW, THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. Pursuant to Ordinance 2105, the City Council will hold a public hearing on the final assessments to be levied within the Local Improvement District (Country Club Road between Boones Ferry Road and Astor Way) on February 25, 2008 at 7:00 p.m. the City Council Chambers of the City Hall, 270 Montgomery Street, Woodburn, Oregon.

Section 2. The City Recorder is hereby directed to give legal notice in accordance with Ordinance 2105 of the City Council's intention to levy final assessments.

Approved as to form:  1/10/2008
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

Passed by the Council _____

Submitted to the Mayor _____

Approved by the Mayor _____

Filed in the Office of the Recorder _____

ATTEST: _____
Mary Tennant, City Recorder
City of Woodburn, Oregon

January 14, 2008

TO: Honorable Mayor and City Council through City Administrator

VIA: Randy Rohman, Acting Public Works Director 

FROM: Randy Scott, Senior Engineering Technician 

SUBJECT: **Final Assessments, West Lincoln Street LID**

RECOMMENDATION:

Approve the attached resolution, which sets the public hearing date for levying final assessment costs to benefiting properties within the Local Improvement District for West Lincoln Street, between Cascade Drive and Leasure Street.

BACKGROUND and DISCUSSION:

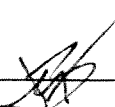


The City Council initiated the Local Improvement District (LID) process for West Lincoln Street street improvements from approximately Leasure Street to Cascade Drive, approved the engineering report, held a public hearing and adopted Ordinance No. 2341 that established the legal foundation for the LID assessments. The Street improvements to West Lincoln have been completed and final cost are known.

Ordinance No. 2105 which defines the process for the Local Improvement District requires a public hearing to be held to levy the final assessment of costs. The purpose of the hearing is inform the benefiting properties of changes made to the estimated assessment identified in Ordinance 2341 and to allow staff to correct any calculation errors.

The Resolution sets the public hearing date of February 25, 2008. Notification will be published in the local newspaper and in addition, staff will mail notification to each benefiting property of the district.

FINANCIAL IMPACT:

Publication and mailing of the notice estimated at \$300.00. Budget line item 582.691.6999.5425

Agenda Item Review: City Administrator  City Attorney  Finance 

COUNCIL BILL NO.

RESOLUTION NO.

A RESOLUTION ESTABLISHING A PUBLIC HEARING DATE FOR LEVYING THE FINAL ASSESSMENT COSTS FOR THE IMPROVEMENT TO WEST LINCOLN STREET BETWEEN CASCADE DRIVE AND LEASURE STREET.

WHEREAS, the City Council reviewed and approved the engineering report on the proposed improvements of West Lincoln Street between Cascade Drive and Leasure Street on April 14, 2003; and

WHEREAS, the City Council, by Resolution 1722, declared its intent to improve West Lincoln through a Local Improvement District process, adopted the method of assessment, established a date for the public hearing; and

WHEREAS, a public hearing on the formation of the LID was held on June 9, 2003 to receive input from affected property owners and insufficient remonstrance were received to suspend such improvement; and

WHEREAS, the City Council by Ordinance 2341, ordered the street improvements to West Lincoln Street, established the method of assessment to the benefited properties, directed the contract award, and provided for the payment of costs through assessment of properties in the Local Improvement District; and

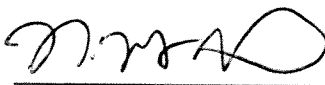
WHEREAS, construction of the West Lincoln Street street improvements between Cascade Drive and Leasure Street have been completed; and

WHEREAS, a final assessment hearing is required before the final assessment ordinance is passed, **NOW, THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. Pursuant to Ordinance 2105, the City Council will hold a public hearing on the final assessments to be levied within the Local Improvement District (West Lincoln Street between Cascade Drive and Leasure Street) on February 25, 2008 at 7:00 p.m. in the City Council Chambers of the City Hall, 270 Montgomery Street, Woodburn, Oregon.

Section 2. The City Recorder is hereby directed to give legal notice in accordance with Ordinance 2105 of the City Council's intention to levy final assessments.

Approved as to form:  1/10/2008
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

Passed by the Council _____


Submitted to the Mayor _____

Approved by the Mayor _____

Filed in the Office of the Recorder _____

ATTEST: _____
Mary Tennant, City Recorder
City of Woodburn, Oregon

January 14, 2008

TO: Honorable Mayor and City Council through City Administrator
VIA: Scott D. Russell, Chief of Police 
FROM: Thomas P. Tennant, Captain
SUBJECT: **New Outlet – Limited On-Premises Sales**

RECOMMENDATION:

The Woodburn City Council recommend to OLCC approval of a Liquor License application for Mariscos El Saraneado.

BACKGROUND:

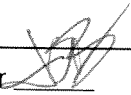
Applicant: Mariscos El Saraneado LLC
1032 N. Pacific Hwy
Woodburn, Or. 97071
Ph: 503-982-1717

Business: Mariscos El Saraneado
1032 N. Pacific Hwy
Woodburn, Or. 97071

Other: Munoz Vasquez, Salvador
1088 Depot Court
Gervais, Or. 97026

Other: Barajas, Tinoteo
20457 Hwy 99 E North East
Aurora, Or 97002

Other: Contreras, Rosario
20457 Hwy 99 E North East
Aurora, Or 97002

Agenda Item Review: City Administrator 

City Attorney 

Finance 

License Type: **Limited On-Premises Sales** – permits beer, wine and cider sales for on-premises consumption only, and the sale of kegs of malt beverages.

On December 27, 2007 the Woodburn Police Department received an application requesting a Liquor License (Limited On-Premises Sale) for Mariscos El Saraneado located at 1032 North Pacific Highway. This location is presently known as the Cactus Grill Taqueria which holds a Limited On-Premises Sales license. The name change to Mariscos El Saraneado is due to a change in the business partnership.

OLCC was contacted and advised they had no problems with the applicant's or business.

The business will be open from 10:00 am to 10:00 pm Monday through Sunday. Food and alcohol will be available during normal business hours. The applicant does not intend to have entertainment available at the business.

The Police Department has received no communication from the public or surrounding businesses in support of or against the business.

DISCUSSION:

The Police Department has completed a background investigation on the applicant and found nothing of a questionable nature, which would preclude the issuance of this Liquor License.

FINANCIAL IMPACT:

None

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

PAID

\$100

36163



PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
☐ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club
☒ Limited On-Premises Sales (\$202.60/yr)
☐ Off-Premises Sales (\$100/yr)
☐ with Fuel Pumps
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other:

ACTIONS

- ☐ Change Owner
☒ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☐ Other

NTY USE ONLY

ounty commission:

r county)

recommends that this license be:

Granted ☐

Denied ☐

By:

(signature)

(date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by:

Date:

90-day authority:

☐ Yes ☐ No

Applying as:

- ☐ Individuals ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company

1. Applicant(s): [See SECTION 1 of the Guide]

① MARISCOS EL SARANDENDO LLC ③

② _____ ④

2. Trade Name (dba): Mariscos El Sarandendo

3. Business Location: 1032 N Pacific Hwy. Woodburn OR 97071
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: _____
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (503) 982-1717
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No

7. If yes to whom: Salvador Munoz + Cactus Grill Veronica Medina Taqueria Type of License: Limited on-Premises Sales

8. Former Business Name: Cactus Grill Taqueria LLC

9. Will you have a manager? ☒ Yes ☐ No Name: Rosario Contreras
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? City of Woodburn
(name of city or county)

11. Contact person for this application: Janet Homeli (911) 338-0329
(name) (phone number(s))
1108 Dupont Ct. Gervais OR 97026
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date NOV 15, 07 ③ Date _____

② [Signature] Date NOV 15, 07 ④ Date _____

1-800-452-OLCC (6522)

www.olcc.state.or.us



Agenda Item

January 14, 2008

TO: Honorable Mayor and City Council through City Administrator
VIA: Scott D. Russell, Chief of Police *SR*
FROM: Thomas P. Tennant, Captain
SUBJECT: **New Outlet – Limited On-Premises Sales**

RECOMMENDATION:

The Woodburn City Council recommend to the OLCC approval of a Liquor License application for Dede's Deli

BACKGROUND:

Applicant: CJ Eateries LLC
2649 Willamette Street
Eugene, Or. 97403
Ph: 541-434-2486

Business: Dede's Deli
1537 Mt. Hood Ave Suite 101
Woodburn, Or. 97071

Other: Hare, John
1829 Fairmont Boulevard
Eugene, Or. 97403

Other: Duell, Michael Scott
1974 Hilyard Street
Eugene, Or. 97405

Other: Kungys, Jonas Vyautas
2630 Onyx Street
Eugene, Or. 97405

Agenda Item Review: City Administrator *SR*

City Attorney *NRS*

Finance *Ben*

License Type: **Limited on-Premises Sales** – permits beer, wine and cider sales for on-premises consumption only, and the sale of kegs of malt beverages.

On December 27, 2007 the Woodburn Police Department received an application requesting a Liquor License (Limited On-Premises Sales) for Dede's Deli located at 1537 Mt. Hood Ave Suite 101. Dede's Deli is a new business coming to Woodburn and presently is not open for business.

CJ Eateries LLC is a business in good standing with multiple businesses in the Eugene/Springfield area. OLCC advised CJ Eateries LLC operates multiple businesses with liquor licenses and have no record of complaints or actions against them.

The above mentioned applicant intends to operate a deli at this location with a total seating capacity of 16.

The business will be open from 7:00 am to 2:30 am Monday through Saturday and from 8:00 am to 12 pm on Sunday. Food and alcohol will be available during normal business hours. The applicant intends to have the following entertainment available at the business: recorded music and video lottery machines.

The Police Department has received no communication from the public or surrounding businesses in support of or against the business.

DISCUSSION:

The Police Department has completed a background investigation on the applicant and found nothing of a questionable nature, which would preclude the issuance of this Liquor License.

FINANCIAL IMPACT:

None

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being filed by:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
☐ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club

☒ Limited On-Premises Sales (\$202.60/yr)

☐ Off-Premises Sales (\$100/yr)

☐ with Fuel Pumps

☐ Brewery Public House (\$252.60)

☐ Winery (\$250/yr)

☐ Other:

- ☐ Change Ownership
☒ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☐ Other

Applying as:

- ☐ Individuals ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company

NS

DEC 26 2007



CITY OF WOODBURN

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By:

(signature)

(date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by: OLCC pending EW

Date: 11/14/07

90-day authority: ☐ Yes ☒ No

1. Applicant(s): [See SECTION 1 of the Guide]

① CJ Eateries LLC

②

2. Trade Name (dba): Dede's Deli

3. Business Location: 1537 Mt. Hood Ave. Suite 101 Woodburn, OR 97071
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 2649 Willamette St. Eugene, OR 97405
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-434-2486 541-434-6201
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: N/A Type of License: N/A

8. Former Business Name: N/A

9. Will you have a manager? ☒ Yes ☐ No Name: Michael Ovell
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? Woodburn / Marion
(name of city or county)

11. Contact person for this application: Charles Hare 541-520-8383
(name) (phone number(s))
2649 Willamette St. Eugene, OR 97405 / 541-434-6201
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date: 10/29/07

② [Signature] Date: 10/29/07


1-800-452-OLCC (6522)
www.olcc.state.or.us

SALEM REGIONAL OFFICE



Agenda Item

January 14, 2008

TO: Honorable Mayor and City Council through City Administrator
FROM: Randy Rohman, Acting Public Works Director 
SUBJECT: **Position Upgrade: Water Division Utility II to Utility III**

RECOMMENDATION:

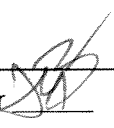
City Council authorize the upgrade of a Water Division Utility II position to a Utility III position.

BACKGROUND:

For many years the City's Cross Connection Program has been a portion of the responsibilities of the Industrial Waste Coordinator at the Wastewater Treatment Plant. Cross connection is a responsibility of the water provider in Oregon Administrative Rules and almost all municipal water systems in the state are directly responsible for the Cross Connection Program.

The Industrial Waste Coordinator responsibilities have become more complex with regulatory changes and that person had been spending less than 10% of their time on cross connection. The Wastewater Plant Superintendent has asked for the cross connection transfer to allow the Industrial Waste Coordinator to focus fully on the primary responsibilities of the position. The position description for the Utility III position includes cross connection as part of the position responsibilities.

The decision was made to shift the Cross Connection Program to the Water Division where it more properly belongs last fall. A transfer date of January 1, 2008 was planned for. A Utility II in the Water Division has completed the required training to be a cross connection inspector and tester. Transfer of the responsibilities will be complete when the requested position upgrade is approved.

Agenda Item Review: City Administrator 

City Attorney 

Finance 

DISCUSSION:

The Cross Connection Program properly should be in the Water Division. The transfer will allow the wastewater Industrial Waste Coordinator to fully focus on the primary responsibilities of that position. The Utility III position description contains cross connection responsibilities and a Water Division Utility II employee has obtained the required cross connection training and is qualified to assume the cross connection program responsibilities. Staff recommends upgrade of the existing Utility II position to a Utility III position to reflect the added cross connection responsibilities.

FINANCIAL IMPACT:

Estimated financial impact for 6 months is \$1,906 (\$1,541 in wages and \$365 in benefits). Funds will be transferred from part time salaries in the Water Fund to cover these additional costs.

Agenda Item

January 14, 2008

TO: Honorable Mayor and City Council through City Administrator

VIA: Randy Rohman, Acting Public Works Director

FROM: Julie Moore, C. E. Tech III

SUBJECT: **Request for no parking on Third Street north of Harrison Street**

RECOMMENDATION: By motion authorize no parking on the east side of Third Street from Harrison to the north side of 950 Third Street.

BACKGROUND: Public Works has received requests from residents on Third Street north of Harrison with concerns about traffic particularly when cars are parked on both sides of the street, mainly during events at St. Luke's Church and School. If vehicles are parked on both sides of the street then it is very difficult to get through. The request was to have parking removed on the west side of the street in an area near the church/school property.

Third Street has a paved width of 26 feet. Based on transportation designs usually a street with a width less than 30 feet would have parking on only one side. The Woodburn Transportation Plan shows a street with a width of 29 feet with parking on one side and no parking on both sides if the road is 24 feet or less. This section of Third Street dead-ends north of Harrison and has very low traffic except near St. Luke's.

Typically when no parking is restricted on one side of the street it is on the east side of north-south streets and on the south side of east-west streets. This request was to have the no parking on the west side which would eliminate a long section of curb and vehicles would park on the east side between the driveways, which would cause conflicts with sight visibility. If the parking is eliminated on the east side there would be a long curb for parking and very few driveway conflicts.

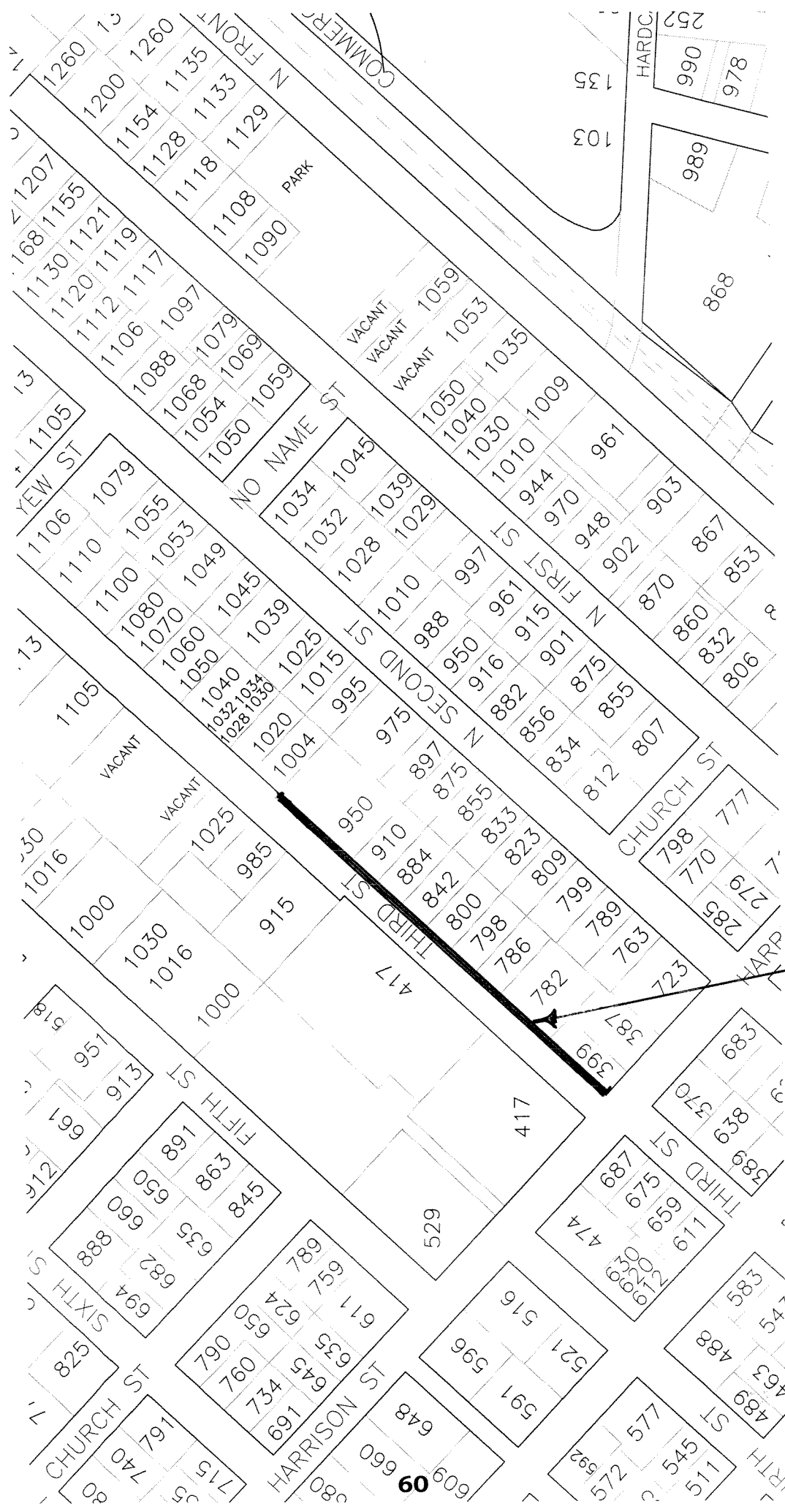
DISCUSSION: For increased traffic safety and accessibility it is recommended that Council authorize no parking on the east side of Third Street from Harrison Street north to the north side of 950 Third Street.

FINANCIAL IMPACT: Approximately \$625 from Street Fund for No Parking signs, post materials and labor to install.

Agenda Item Review: City Administrator

City Attorney

Finance



PROPOSED NO PARKING

January 14, 2008

TO: Honorable Mayor and City Council

FROM: John C. Brown, City Administrator 

SUBJECT: **Draft Animal Control Ordinance**

RECOMMENDATION:

It is recommended the City Council:

1. Provide input regarding the suggested provisions of the attached animal control ordinance; and
2. Determine a preferred means for obtaining community involvement in the ordinance adoption process.

BACKGROUND:

Then-Mayor Jennings appointed a Livability Task Force in 1999, which was active until approximately 4 years ago when a budget reduction eliminated staff support for the group. Among its tasks was a review of certain City ordinances, to modernize and apply current community standards to them. The group worked with my office, the City Attorney's Office, and the Police Department in looking at some of the ordinances in greatest need of attention. The Task Force met in public, and incorporated public input into its recommendations for ordinance changes. A consolidated Traffic Ordinance (combining and streamlining three former ordinances addressing traffic, parking and abandoned vehicles) was discussed and revised by the Task Force and passed by the Council. A new Noise Ordinance was created, endorsed by the Task Force, and then adopted by the Council. A comprehensive rewrite of the existing Nuisance Ordinance was discussed with the Task Force then passed by the Council. The Task Force then targeted completion of the Animal Control ordinance, and worked with staff and the public for several months to discuss changes. Staff advised changes had to be carefully evaluated to assure that any changes are consistent with current law. That analysis took a back seat to other demands on legal and law enforcement staff during the past few years, until the Council recently requested the matter be given higher priority.

Agenda Item Review:

City Administrator 

City Attorney 

Finance 

DISCUSSION:

The attached ordinance and accompanying staff report were developed in cooperation by the City Attorney's Office and the Police Department. As the material indicates, the ordinance was completely redrafted for consistency with the current state of the law, and in recognition of some of the animal control issues that were addressed in recent years at the staff level or by your Council. Policy considerations have been addressed by staff in the manner they believe appropriate. These are highlighted in the staff report in the event you would like to see them treated differently. Staff considers the ordinance a working draft.

Unlike some ordinances which have limited application or effect, the animal control ordinance may have implications for many of Woodburn's residents. Rules addressing livestock or exotic animals, the duties of those keep animals, and what constitutes dangerous dogs and how cases involving them are to be handled, are probably not widely understood. For the sake of public information and input, Staff recommends the Council undertake a public review of a draft ordinance, prior to adopting a final version. Among the alternatives available for that review are:

- Convening a task force for the limited purpose of reviewing changes, soliciting public comment, and recommending a final version to the Council. Members of the original Livability Task force may have an interest in serving on such a group.
- Conducting neighborhood meetings, through the Neighborhood watch program. This could include contact with approximately 40 neighborhoods across the City; it will not reach residents in areas where a neighborhood watch groups don't exist, or aren't active.
- Conducting Council workshops on the matter.
- Conducting public hearings on the matter.
- Other alternatives as determined by the Council.

At least three of these options can be televised, if conducted in the Council Chambers, to inform and involve the maximum number of residents.

FINANCIAL IMPACT:

None.

December 3, 2007

TO: Honorable Mayor and City Council

FROM: N. Robert Shields, City Attorney
Scott Russell, Chief of Police

SUBJECT: **Draft Animal Control Ordinance**

RECOMMENDATION:

Review the report and draft ordinance for future discussion.

BACKGROUND:

Woodburn's existing animal control ordinance is based upon a template originally drafted by the League of Oregon Cities (LOC), which was adopted in numerous Oregon jurisdictions. The City Council has amended the ordinance over the years but has never completely rewritten it. Since originally drafting the ordinance template, LOC has made no efforts to revise it. Therefore, rather than continue to make ad hoc amendments, it is preferable for the City to adopt a completely new ordinance addressing the different aspects of animal control.

In drafting the new ordinance, numerous ordinances in many municipalities were reviewed and considered. A large number of Oregon cities use county animal control programs and many cities were found to have outdated ordinances. The new ordinance is not based upon a template, but was drafted specifically for Woodburn.

While there are a number of policy determinations that remain for Council discussion, staff has spent a significant amount of time on the operational and legal aspects. In this regard, we believe that the new ordinance is based upon the current best practices in animal control and that it will be a better tool for the City to use in public education and enforcement.

DISCUSSION:

What follows is a summary of the specific sections of the new ordinance and accompanying rationale for how the language was drafted. Where there is a legal or operational consideration, this is explained. Where there is a major policy determination, this is pointed out. Finally, relevant comparisons are made to changes from the language of the existing ordinance.

Whereas Clauses – Authority of the City

"Whereas clauses" explain the Council's actions and are important when an ordinance is challenged in court. The old ordinance contained no whereas clauses.

First, the whereas clauses to the new ordinance provide that Woodburn is establishing an animal control program, as permitted by state law, except in areas where state law specifically preempts local regulations or where the ordinance does not address the subject.

Second, the whereas clauses reference the City's ability to completely prohibit the keeping of wildlife and exotic animals under ORS 609.205 (which the new ordinance does). Prohibiting wildlife and exotic animals is obviously a policy choice for the City Council. Even if the City does not address this, the keeping of these animals is subject to state and federal law requirements. However, the concerns are as follows: (1) If state and federal permits are complied with, it is possible that such animals could be kept within the City. An extreme example of this is Wild Cat Haven, a big cat facility near Sherwood that draws assorted wild cats from all over the world. (2) Any City permit system for exotic animals has civil liability implications because the City is approving the keeping of animals within its boundaries that it knows to be dangerous.

The existing ordinance allows the keeping of exotic animals under a permit system (although, historically, the City has never received a permit application).

Finally, the whereas clauses reference the Council's recognition of its "authority and obligation to regulate animals to protect the public health and safety" balanced against its "obligation to act fairly and provide adequate due process for keepers of animals." This is important to articulate because, in extreme cases, the municipal judge has the power under the new ordinance to order that an animal be euthanized. Dogs are considered personal property in Oregon (ORS 609.020) and since euthanasia involves the taking of property by

the government, the due process obligation must be recognized in order for the ordinance to be upheld.

Relationship to Other Laws

Animal law is complicated in that various types of animals are regulated simultaneously by federal, state and local statutes. Also, the applicable law is both civil and criminal. The new ordinance is a civil regulation. When criminal law provisions exist outside of the ordinance to address certain conduct (i.e., cruelty to animals, animal fighting, animal neglect), these provisions were not duplicated in the new ordinance because these types of violations would be addressed through the criminal enforcement system.

Keeping of Certain Animals Prohibited

State law defines "wildlife" broadly as "fish, shellfish, wild birds, amphibians and reptiles, feral swine as defined by State Department of Agriculture rule and other wild mammals." ORS 496.004(19). Similarly, there is a broad state law definition for "exotic animals." ORS 609.305 defines an "exotic animal" as "any member of the family Felidae not indigenous to Oregon, except the species *Felis catus* (domestic cat); any nonhuman primate; any wolf (*Canis lupus*); any nonwolf member of the family Canidae not indigenous to Oregon, except the species *Canis familiaris* (domestic dog); and any bear, except the black bear."

Section 2 of the new ordinance is a specific list of types of animals not permitted in the City. This list was arrived at by reviewing numerous other animal control ordinances and considering the practical code enforcement aspects. A conscious choice was made to "spell out" the animal types rather than merely reference portions of state laws or administrative rules. This approach makes it clear to the public and to code enforcement personnel what specific types of animals are prohibited.

Livestock Prohibited

Many different definitions exist for the term "livestock." The definition contained in the new ordinance is from ORS 609.125 except that psittacines (i.e., parrots, macaws, parakeets) are not included. Exclusion of livestock in the City has been expressed as a policy choice that the Council wants to make. From a code enforcement perspective, we do not believe that making this policy choice will create many enforcement issues regarding the current keeping of livestock in the City.

Limited Number of Chickens and Ducks

Despite the general prohibition on the keeping of livestock, Section 4 of the new ordinance permits keeping a total of three or fewer chickens or ducks. This ordinance provision is similar to the City of Portland's and was drafted in response to a specific issue that previously came before the Council. However, in the discussion with code enforcement, one issue that came up was the keeping of roosters. Because of this concern, we modified Portland's language to include a specific prohibition of roosters.

General Duties of Animal Keepers

Section 5 of the new ordinance addresses the duties of animal keepers (keeper is broadly defined and includes all owners) and succinctly states their basic responsibilities (i.e., not permitting an animal to run at large, not allowing unreasonable noise, not allowing an animal to destroy property, and removing excrement deposited in public areas.) Even though a dog barking repeatedly could also violate the Noise Ordinance, from a code enforcement perspective it is useful to include a similar noise provision in the Animal Control Ordinance.

Placing of Poisonous Food/Leaving Animal in Car

Sections 6 (Placing of Poisonous Food Prohibited) and 7 (Confining Animals in Motor Vehicles Prohibited) are important provisions from an enforcement point of view. Leaving an animal by itself in an automobile is not uncommon. Confining an animal in this manner during hot weather can create a serious situation resulting in injury or death of the animal.

Dog Licensing

Under state law, residents of cities with dog control programs must obtain dog licenses from the county. This is the present practice and will not change.

Levels of Dangerous Dogs – Analysis

Sections 9 through 17 of the new ordinance are innovative in Oregon and represent a major change in Woodburn's animal control program. The new ordinance specifies a process where the municipal judge has the authority to classify problem dogs based on their behavior. The keepers of the dogs can be

assessed fines and ordered to take certain actions to contain their dogs so as to prevent future dangerous behavior.

Understanding how the new ordinance provisions are innovative requires a basic explanation. Cities and counties have two main types of dog ordinances. The first type is a "one bite ordinance." Under a "one bite ordinance," in order to convict someone of "keeping a vicious dog" it is necessary to prove that the person kept the dog with some knowledge that the dog was dangerous. The second type of ordinance is a "classification ordinance." Under a "classification ordinance," dogs are classified, typically based upon breed or for engaging in certain behaviors. Classification ordinances that ban certain breeds (i.e., pit bulls) have been legally challenged with varying results. Classification ordinances based on specified dangerous dog behavior are legally more defensible than classification ordinances based upon breed. Under these ordinances, dogs engaged in certain specified dangerous behaviors are classified by a court and the keeper of the dog has the right to contest the classification. Based upon the level of classification decided upon by the court, the owners must then take certain actions in order to prevent future dangerous behavior by the dog.

Woodburn's existing ordinance is a "one bite ordinance," as are the vast majority of the ordinances in Oregon. The disadvantage to this type of ordinance is that unless there are prior documented incidents where the dog is shown to be dangerous (i.e., "one bite"), it may be impossible for the City to prove the offense of "keeping a vicious dog." By way of contrast, the new ordinance is a "classification ordinance" based upon dog behavior. It is based partially upon an ordinance that was developed by Multnomah County. A similar ordinance exists in Eugene and in a handful of other Oregon jurisdictions.

This new ordinance classification procedure is innovative because it departs from the traditional "one bite" standard ordinance and takes proactive steps to prevent future dangerous behavior by dogs. However, innovative ordinances are always subject to more legal challenges. Changing in the existing ordinance in this manner is ultimately a policy matter for the Council.

Levels of Dangerous Dogs – Procedure

If the Council agrees with the behavior classification as a policy matter, the procedure under the new ordinance is as follows: (1) After a dog engages in dangerous behavior (see Section 9) under the ordinance, the keeper is cited into municipal court for keeping a specified level of dangerous dog; (2) If a "not

guilty" plea is entered, the municipal court sets the matter for a hearing on whether the person kept a dog that engaged in the alleged behavior; (3) The keeper has the right to appear at the classification hearing and present any applicable defenses (see Section 10) to the municipal court; (4) After the evidence is taken at the hearing, the municipal judge makes a classification ruling and issues an order. (5) In addition to the payment of civil infraction penalties (see Sections 11 through 14), the municipal court orders the keeper to take certain measures to deal with the level of dangerous dog (see Section 16); (6) If the municipal court classifies a dog's behavior as Level 4 (i.e., the dog caused serious physical injury or death to a person or, while at large, killed another dog or cat), a disposition hearing must be held to determine what to do with the dangerous dog.

Level 4 Dangerous Dog Disposition Hearing

After the municipal judge classifies a dog's behavior as Level 4, the court must then make a decision as to what do with the dog. Under the new ordinance, the court can order a dog that has committed Level 4 behavior to: (1) be euthanized; or (2) be sent to a secure animal facility at the keeper's expense; or (3) be removed from the City as specified in the ordinance (see Section 17). The reason for these different options is that appellate courts have consistently ruled that due process must be afforded and some discretion must be exercised before a city takes a dog from an owner. There are no Oregon cases that specifically address this, but there is no reason to conclude that Oregon law is any different since due process is required before the government takes property and dogs are considered personal property (ORS 609.020).

The disposition procedure for Level 4 dangerous dogs under the new ordinance is drafted to be consistent with the legal guidelines set out by the Washington Supreme Court in *Rabon v. City of Seattle*. In that case, the court ruled that under Seattle's ordinance the process provide to a dog owner was insufficient because there was a trial on the question of whether the dog was vicious but no opportunity for the owner to address why the dog should not be destroyed.

The new ordinance is consistent with the *Rabon* case because it provides the keeper of a Level 4 dangerous dog the opportunity to be heard at a disposition hearing (see Section 17). By way of comparison, under the existing ordinance, the municipal court has the power to order a vicious dog abated (i.e., destroyed) as a nuisance and the City Attorney's office files motions requesting the court to impound and destroy vicious dogs. However, an important difference is that, under the existing ordinance, once the municipal court orders

destruction the dog, the owner has five days to retrieve the animal from impoundment, pay all impoundment costs, and remove the dog from the City. Under the new ordinance, the disposition of the Level 4 dangerous dog is decided by the municipal court and, even if the dog is ordered removed from the City, certain specific conditions must be complied with. (see Section 17 E)

Legal Review of Municipal Court Decision

The Woodburn Municipal Court is not a court of record and its decisions on some state law cases are reviewable *de novo* (i.e., a new trial) by the Marion County Circuit Court. However, this is not true in Writ of Review cases. A Writ of Review is the legal mechanism where a Circuit Court has a limited review of a governmental quasi-judicial decision in a non-land use case. The new ordinance specifies that review of the municipal court's decisions under the ordinance are exclusively by Writ of Review (see Section 21). The Marion County Circuit Court would have jurisdiction to review the law applied by the municipal court and its record and findings.

Impoundment

Section 18 of the new ordinance provides broad impoundment authority. This is an important operational part of the ordinance. It was reviewed and revised by the police department, was coordinated with the existing Marion County procedures, and is adequate to support ordinance enforcement.

Penalties and Legal Actions

Monetary penalties under the new ordinance are set out in Sections 11 through 14 and in Section 19. Under Ordinance 1998, the Civil Infraction Ordinance, a list of the monetary maximums for penalties is as follows:

- (1) \$750.00 for a class 1 civil infraction.
- (2) \$500.00 for a class 2 civil infraction.
- (3) \$250.00 for a class 3 civil infraction.
- (4) \$125.00 for a class 4 civil infraction.
- (5) \$100.00 for a class 5 civil infraction.

In addition to the monetary penalties, the new ordinance provides that it can also be enforced by filing an action in any court of competent jurisdiction as an additional remedy (see Section 20).

FINANCIAL IMPACT:

There is no financial impact.

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COUNCIL BILL NO.

ORDINANCE NO.

AN ORDINANCE CONCERNING THE CARE AND CONTROL OF ANIMALS; ESTABLISHING REGULATIONS AND PENALTIES; AND REPEALING ORDINANCE 1638.

WHEREAS, the City of Woodburn is a home rule city with the legal power to regulate animals within its corporate boundary; and

WHEREAS, more specifically, ORS Chapter 609 authorizes cities to have an animal control program, to prohibit the keeping of wildlife and exotic animals (ORS 609.205) and to impose reasonable restrictions on the keeping of dogs; and

WHEREAS, it is the purpose of this Ordinance to regulate animal behavior so to prevent animals from becoming a nuisance, endangering any person, animal or property, or creating a health hazard; and

WHEREAS, the City has the authority and obligation to regulate animals to protect the public health and safety; and

WHEREAS, the City also recognizes its obligation to act fairly and provide adequate due process for keepers of animals under this Ordinance; and

WHEREAS, this Ordinance is intended to establish a city animal control program and supersedes ORS Chapter 609, except as specifically provided by state law, or where this Ordinance does not provide for a parallel rule, definition, or procedure; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Definitions. For purposes of this Ordinance, these terms are defined as follows:

- A. ANIMAL. Any nonhuman vertebrate.
- B. ANIMAL CONTROL OFFICER. A person designated by the Woodburn Chief of Police to enforce this Ordinance.
- C. AT LARGE. Any animal, excluding domestic cats, that is off the premises of its keeper and is not on a leash held by a person capable of controlling the animal.

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- D. DOG. Any mammal of the canidae family.
- E. EUTHANIZE. To put an animal to death in a humane manner by a licensed veterinarian or a certified euthanasia technician.
- F. KEEP. To have physical custody or otherwise exercise dominion and control over.
- G. KEEPER. A person or legal entity who owns, or has a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by that person.
- H. LIVESTOCK. Animals, including but not limited to fowl, horses, mules, burros, asses, cattle sheep, goats, llamas, emu ostriches, swine or any furbearing animal bred and maintained for commercial purposes and kept in pens, cages, or hutches.
- I. MUNICIPAL JUDGE. The judge of the Woodburn Municipal Court.
- J. PERSON. Any natural person, association, partnership, firm or corporation.
- K. PHYSICAL DEVICE OR STRUCTURE. A tether, trolley system, other physical control device or any structure made of material sufficiently strong to adequately and humanely confine the animal in a manner that would prevent it from escaping.
- L. PEACE OFFICER. Has the meaning provided in ORS 161.015 (4).
- M. PHYSICAL INJURY. Physical impairment or as evidenced by scrapes, cuts, punctures, bruises or physical pain.
- N. POLICE DOG. A dog that is trained for law enforcement purposes and is under the control of a peace officer.
- O. SECURE ANIMAL SHELTER. An animal shelter that agrees to accept an animal and that agrees to the following conditions:
1. Not to release the animal from the shelter for the rest of the animal's natural life;
 2. Not to allow the animal to come into contact with the general public for the rest of the animal's natural life;

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3. To indemnify, defend, and hold the City harmless from any and all future claims of any kind or nature whatsoever relative to past or future care and custody of the dog and to the dog's future behavior;

4. To notify the City if the shelter goes out of business or can no longer keep the animal and to abide by the City's disposition instructions.

P. SECURE ENCLOSURE. Shall be any of the following:

1. A fully fenced pen, kennel or structure that shall remain locked with a padlock or combination lock. Such pen, kennel or structure must have secure sides, minimum of five feet high, and a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot to prevent digging under it. The structure must be in compliance with the City's building code and ordinances; or

2. A house or garage. When dogs are kept inside a house or garage as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the dog. A house, garage, patio, porch or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the dog to exit the structure of its own volition

Q. SERIOUS PHYSICAL INJURY. Any physical injury which creates a substantial risk of death or which causes disfigurement, or protracted loss or impairment of health or of the function of any body part or organ.

Section 2. Keeping of Certain Animals Prohibited.

A. No person shall keep, within the city, any of the following animals of either thoroughbred or hybrid stock or pedigree:

1. All poisonous animals, including rear-fang snakes;
2. Apes such as chimpanzee (Pan), gibbons (Hylobates), gorillas (Gorilla), orangutans (Pongo), and siamangs (Symphalangus);
3. Baboons (Papio, Mandrillus);
4. Bears (Ursidae);
5. Bison (Bison);
6. Cheetahs (Acinonyx jubatus);
7. Crocodilians (Crocodilia);
8. Constrictor snakes with a maximum size at maturity of 15 inches or more, including but not limited to boa, python, and anaconda;
9. Coyotes (Canis latrans);

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10. Deer (Cervidae), such as white-tailed deer, elk, antelope, and moose;
11. Elephants (Elephas and Loxodonta);
12. Game cocks and other fighting birds;
13. Hippopotami (Hippopotamidae);
14. Hyenas (Hyaenidae);
15. Jaguars (Panthera onca);
16. Leopards (Panthera pardus);
17. Lions (Panthera leo);
18. Lynxes (Lynx);
19. Monkeys, old world (Cercopithecidae), new world;
20. Ostriches (Struthio);
21. Piranha fish (Characidae);
22. Pumas (Felis concolor), such as cougars, mountain lions, and panthers;
23. Raptors, such as condors, eagles, kites, falcons, osprey, owls, harriers, hawks, buzzards and vultures (Falconiformes and Stigiformes orders)
24. Rhinoceroses (Rhinocerotidae);
25. Serval Cats (Felis serval or Leptailarus serval)
26. Sharks (Class Chondrichthyes);
27. Snow leopards (Panthera uncia);
28. Tigers (Panthera tigris); or
29. Wolves (Canis lupus and hybrids).

B. The provisions of this section shall not apply to:

1. An educational or medical institution, if the animal is kept for the primary purpose of instruction, study or research; or
2. A circus, carnival or other similar itinerant show business, if the animal is kept for the primary purpose of public entertainment; or
3. A veterinarian employed by the federal government or currently licensed by the Oregon State Veterinary Examining Board, if the animal is kept for the primary purpose of diagnosis or treating.

Section 3. Keeping of Livestock Generally Prohibited. Except as permitted by this Ordinance, no person shall keep livestock within the City.

Section 4. Keeping of Limited Number of Chickens or Ducks Permitted. Notwithstanding Section 3 of this Ordinance, a person shall be allowed to keep a total of three or fewer chickens or ducks within the City. This section shall not be construed to as to allow the keeping of roosters, which are prohibited.

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Section 5. Duties of Animal Keepers.

- A. It shall be a violation of this Ordinance for a keeper of an animal to:
1. Permit an animal to be at large.
 2. Permit an animal to cause unreasonable noise at any time of the day or night by repeated barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the keeper's property.
 3. Permit an animal to damage or destroy property of persons other than the keeper.
 4. Fail to immediately remove any excrement or other solid waste deposited by an animal in any public area.

Section 6. Placing of Poisonous Food Prohibited. No person shall knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to animals, except as provided by law for nuisance, vector, or predator control.

Section 7. Confining Animals in Motor Vehicles Prohibited.

A. No animal shall be confined within or on a motor vehicle at any location within the city under such conditions as may endanger the health or well-being of the animal, including but not limited to dangerous temperature, lack of food, water or confinement with a dangerous animal.

B. An animal control or police officer is authorized to remove an animal from a motor vehicle when the officer reasonably believes that the animal is confined in violation of this section. Any animal so removed shall be delivered to the animal control Shelter after the removing officer leaves written notice of the removal and delivery, including the officer's name, in a conspicuous, secure location on or within the vehicle.

Section 8. Dog Licensing. Any person owning or keeping a dog within the City shall purchase for such a dog a license as required under the provisions of ORS 609.100.

Section 9. Levels of Dangerous Dogs.

A. For purposes of this Ordinance, the classification of various levels of dangerous dogs shall be based upon these specific behaviors exhibited by the dogs.

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1. Level 1 behavior is established if a dog, while at large, is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.

2. Level 2 behavior is established if a dog, while at large, bites or causes physical injury to any dog or cat.

3. Level 3 behavior is established if a dog bites or causes physical injury to any person.

4. Level 4 behavior is established if:

(a) A dog causes the serious physical injury or death of any person; or

(b) A dog, while at large, kills a dog or cat.

Section 10. Classification of Dogs by Municipal Judge.

A. In addition to any other penalties imposed under this Ordinance, the municipal judge shall have the power to classify dangerous dogs based upon the dogs' behavior. This classification shall be based upon evidence proving the dogs' behavior by a preponderance of the evidence. The following affirmative defenses may be presented:

1. The dog's behavior was the direct result of the victim abusing or tormenting the dog, or

2. The dogs' behavior was directed against a trespasser on the keeper's property.

B. Police dogs are not subject to classification by the Municipal Judge under this Ordinance.

Section 11. Keeping of Level 1 Dangerous Dog; Penalty. It shall be unlawful for any person to keep a Level 1 Dangerous Dog within the City. Any person who violates this section commits a Class 4 civil infraction.

Section 12. Keeping of Level 2 Dangerous Dog; Penalty. It shall be unlawful for any person to keep a Level 2 Dangerous Dog within the City. Any person who violates this section commits a Class 3 civil infraction.

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Section 13. Keeping of Level 3 Dangerous Dog; Penalty. It shall be unlawful for any person to keep a Level 3 Dangerous Dog within the City. Any person who violates this section commits a Class 3 civil infraction.

Section 14. Keeping of Level 4 Dangerous Dog; Penalty. It shall be unlawful for any person to keep a Level 4 Dangerous Dog within the City. Any person who violates this section commits a Class 1 civil infraction.

Section 15. Keeping of Dog Pursuant to Court Order Permitted. Notwithstanding Section 11 through 14 of this Ordinance, dogs classified as dangerous dogs by the Municipal Judge may be lawfully kept pursuant to the terms of a Municipal Court order.

Section 16. Disposition of Dangerous Dog Cases.

A. In addition to any other penalties imposed under this Ordinance, the keeper of a dog found by the municipal judge to be a dangerous dog shall be ordered by the court to do the following:

1. If the dog was found to have engaged in Level 1 behavior, the keeper shall provide a physical device or structure that prevents the dog from reaching any public right-of-way or adjoining property, and shall restrict the dog by such a device or structure whenever the dog is outside the keeper's home and not on a leash off the keeper's property.

2. If the dog was found to have engaged in Level 2 or Level 3 behavior, the keeper shall provide a secure enclosure and confine the dog within such enclosure whenever the dog is not on a leash off the keeper's property or inside the home of the keeper.

Section 17. Disposition of Level 4 Dangerous Dog Cases; Disposition Hearing.

A. If the dog was found by the municipal judge to have engaged in Level 4 behavior, the municipal judge shall determine either: (1) that the City be ordered to euthanize the dog; (2) that the dog be sent at the keeper's expense to a secure animal shelter; or (3) that the dog be removed from the City as specified in this Ordinance. The keeper shall be responsible for all fees and charges related to the care and keeping of the dog.

B. Before ruling on the final disposition of the dog, the municipal judge shall notify the keeper that the dog was found to have engaged in Level 4 behavior, shall explain to the keeper the Court's options under this Ordinance,

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and shall then set the matter for a disposition hearing at the earliest possible date found acceptable to the municipal judge.

C. At the disposition hearing, the keeper shall be afforded the opportunity to appear and address the municipal judge regarding which option available under this Ordinance is appropriate for the dog. The municipal judge shall also allow the City to be heard on the question of appropriate disposition.

D. The municipal judge will consider ordering that the dog be sent to a secure animal shelter only at the request of the keeper. The keeper shall bear the burden of establishing that an animal shelter is available that meets the criteria for a secure animal shelter, that the shelter will accept the dog, and that the keeper is willing and able to pay all expenses for transporting the dog.

E. Prior to releasing an animal for removal from the City pursuant to this Ordinance the municipal judge shall require: (1) proof that an appropriate place outside of the incorporated limits of the City is available to keep the dog; (2) proof that the animal control authority in the jurisdiction to which the dog is being moved has been informed of the relocation and has had an opportunity to address the Court; (3) agreement by the dog's owner to indemnify, defend, and hold the City harmless from any and all future claims of any kind or nature whatsoever relative to past or future care and custody of the dog and to the dog's future behavior.

F. After conclusion of the disposition hearing, the municipal judge shall issue an order finding that the dog has engaged in Level 4 behavior and providing for disposition of the dog. This order shall include findings justifying the Court's action. A copy of the order, including notice of the right to file a Writ of Review in Marion County Circuit Court shall be sent by regular and certified mail, return receipt requested, or delivered by personal service to the keeper of the dog.

Section 18. Shelter Operations; Impoundment, Release and Disposal.

A. The Marion County Animal Control Shelter is designated as the facility to receive, care for and confine any animal delivered to its custody under the provisions of this Ordinance. This impound facility shall be operated by Marion County Animal Control for the conduct of necessary business concerning impounded animals. Impounded animals may be temporarily housed in a kennel designated by the Chief of Police prior to their transport to the Marion County Animal Shelter.

B. Any animal may be impounded by an animal control officer or peace officer and held at the facility when it is the subject of a violation of this

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Ordinance, when an animal requires protective custody and care because of mistreatment or neglect by its keeper, or when otherwise ordered impounded by a Court.

C. Impoundment is subject to the following holding period and notice requirements:

1. An animal bearing identification shall be held for five working days before any action is taken to dispose of the animal. The City shall make reasonable effort within twenty-four hours of impoundment to notify the keeper, shall send by registered or certified mail, a written notice of the impoundment to the last known address of the keeper, advising the keeper of the impoundment, the date by which redemption must be made and the fees payable prior to redemption release.

2. An animal that does not bear identification shall be held for three working days before any disposition may be made.

3. Animals held for period prescribed herein, or as otherwise required by ORS 433.340 to 433.390, and not redeemed by the keeper, shall be subject to disposal consistent with Marion County Animal Control procedures.

4. In instances where a peace officer impounds animals from a person taken into custody, the peace officer shall issue a receipt to the person reciting the redemption requirements under this Ordinance and shall serve this receipt upon the person.

D. Unless restrained by Court order, the impound facility shall release any impounded animal to the keeper or the keeper's authorized representative upon payment of all applicable impoundment, shelter, care, medical costs, license fees or other applicable fees or deposits.

E. An animal held for the prescribed period and not redeemed by its keeper or the keeper's representative or agent becomes the property of Marion County and may be released for adoption or otherwise disposed of pursuant to Marion County Rules and Regulations and applicable state law.

Section 19. Penalty for Unspecified Violations. The violation of any section of this Ordinance where the penalty is not specified constitutes a Class 4 civil infraction.

Section 20. Authorized Enforcement Officers. The following City officials are authorized to enforce this Ordinance:

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- A. An animal control officer;
- B. A peace officer; and
- C. The Woodburn City Administrator or designee.

Section 21. Institution of Legal Proceedings. The City Attorney, acting in the name of the City, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Ordinance as additional remedy.

Section 22. Exclusive Review in Marion County Circuit Court. All determinations by the municipal judge under this Ordinance shall be final and subject only to Writ of Review in the Marion County Circuit Court pursuant to ORS Chapter 34.

Section 23. Savings Clause. The repeal of any ordinance by this Ordinance shall not preclude any action against any person who violated the ordinance prior to the effective date of this Ordinance.

Section 24. Severability. The sections and subsections of this Ordinance are severable. The invalidity of any section or subsection shall not affect the validity of the remaining sections and subsections.

Section 25. Repeal. Ordinance No. 1638 is hereby repealed.

Approved as to form:

City Attorney

Date

Approved: _____

Kathryn Figley, Mayor

Passed by the Council _____

Submitted to the Mayor _____

Approved by the Mayor _____

Filed in the Office of the Recorder _____

ATTEST: _____

Mary Tennant City Recorder
City of Woodburn, Oregon

Agenda Item

January 14, 2007

TO: Honorable Mayor and City Council through City Administrator
VIA: Jim Allen, Community Development Director *JA*
FROM: Don Dolenc, Associate Planner *DD*
SUBJECT: **Planning Commission's Approval of Design Review 2007-05, Located at 100 Arney Road (the Shell Gasoline Station and Market)**

RECOMMENDATION:

No action is recommended. This item is placed before the Council for information purposes in compliance with the Woodburn Development Ordinance. The Council may call up this item for review if it desires.

BACKGROUND:

The applicant requested a Design Review to remove an existing gas station canopy and replace it with a smaller canopy. The Planning Commission unanimously approved the application subject to conditions. The conditions addressed establishment of the canopy and the upgrading of other aspects of the tenant space, including parking, landscaping and signs.

DISCUSSION:

Woodburn Development Ordinance 4.102.09.A.1 provides that an ambiguous term in the WDO may be interpreted in the final decision of any Type III application. The Planning Commission found that the terms "tenant space" and "attached to" in WDO 3.110.20.B.4 and WDO 3.110.20.B.6 are ambiguous. For the purposes of this decision, the Commission adopted the interpretation that the "tenant space" includes all building and site areas owned or leased by a tenant. The Commission also adopted the interpretation that the term "attached to" [such tenant space] in Section 3.110.20 includes freestanding signs erected on the tenant space.

FINANCIAL IMPACT:

This decision is anticipated to have no public sector financial impact.

Agenda Item Review: City Administrator *JA* City Attorney *NKS* Finance *Ben*

Agenda Item

January 14, 2007

TO: Honorable Mayor and City Council through City Administrator
FROM: Jim Allen, Community Development Director *JA*
SUBJECT: **Community Development Director's Approval of Zoning Adjustment 2008-01, Located at 1613 Umpqua Road**

RECOMMENDATION:

No action is recommended. This item is placed before the Council for information purposes in compliance with the Woodburn Development Ordinance. The Council may call up this item for review if it desires.

BACKGROUND:

The applicant requested a Type II Zoning Adjustment to allow construction of a 6'x12' bathroom addition to a single-family dwelling in the Retirement Community Single Family Residential (R1S) zone. The proposed construction would increase the lot coverage from 39.4% (existing) to 42.0%. The maximum lot coverage allowed by right in the R1S zone is 40%.

DISCUSSION:

None.

FINANCIAL IMPACT:

This decision is anticipated to have no public sector financial impact.